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राष्ट्रपति भवन  
RASHTRAPATI BHAVAN



राष्ट्रपति भवन हेल्पलाइन  
RASHTRAPATI BHAVAN HELPLINE

## Request/Grievance Status

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### REQUEST/GRIEVANCE STATUS FORM

Registration Number : PRSEC/E/2024/0003888

[Print/View Grievance](#)

Name : Anirban Chakraborty

Date of Receipt : 29 Jan 2024

Current Status : The petition is transferred

Date of Transfer : 29 Jan 2024

Ministry/Department: Department of Personnel and Training

Officer's Name : Ms. D. S. Nagalakshmi

Designation : Deputy Secretary

Address : Room No. 222, DOPT, North Block, New Delhi

Telephone No. : 01123092841

E Mail : nagus.edu@nic.in

Note: You are requested to further liaise in the matter directly with Deputy Secretary, Department of Personnel and Training, Room No. 222, DOPT, North Block, New Delhi for further information.



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## Grievance Registration

[Home](#) / [Grievance Registration](#)

### GRIEVANCE REGISTRATION

**Your Request/Grievance is Registered Successfully!!**

**Your Request/Grievance Registration Number is PRSEC/E/2024/0003888**

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**Note: Kindly note your Request Registration Number for further references**

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## Request/Grievance Status

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### REQUEST/GRIEVANCE STATUS FORM

Registration Number : PRSEC/E/2024/0003888

[Print/View Grievance](#)

Name : Anirban Chakraborty

Date of Receipt : 29 Jan 2024

Current Status : President's Secretariat has received the request/grievance  
and is under examination

Note : For further action taken on this request/grievance, please check status after 7 days from date of receipt.



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#### File List

(0) Complaint President BnW.pdf	Pg. no. 2
(1) CIC Complaint BnW.pdf	Pg. no. 5
(2) CIC Complaint delivered India Post.pdf	Pg. no. 9
(3) Hearing Notice CIC-DEXSW-A-2022-664968.pdf	Pg. no. 12
(4) Hearing Notice CIC-DEXSW-A-2023-639662.pdf	Pg. no. 14
(5) Written Statement CIC Reduced Size.pdf	Pg. no. 16
(6) RTI Suo_moto_disclosure-15042013 DoPT O.M..pdf	Pg. no. 86

Please excuse for filing unsigned complaint, because of upload size restriction of 4 mb.



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**Criticism of  
the Central Government.**

*Anirban Chakraborty*

*S/o Nk Gopal Chakraborty (Retd.)*

2 No. Motilal Colony, P.O.: Rajbari Colony,  
Calcutta 700081, (N) 24 Pgs. , West Bengal,

Online.

🚩 The petitioner is being  
repeatedly threatened by  
the Indian Military.

Ref. CPT/AC5A/POIND/3(24)  
No

☎ @gmail.com

To,

The President of India

Office of the President's Secretariat  
Oligarchy of India  
Rashtrapati Bhavan, New Delhi - 110004.

Dated Calcutta the 28<sup>th</sup> January 2024.

Subject:

**Complaint against Central Information Commissioner Shri Vinod Kumar Tiwari  
for bullying me into denial of the right to argue during hearing dated 15<sup>th</sup> Jan 2024  
and  
requisition for direction to the Chief Information Commissioner for the RTI 2<sup>nd</sup> appeals be  
heard by the full bench, CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662.**

Respected Official,

**Cause of action:** You would like to know specifically what  
annoyed me for which I have escalated the matter with you; but  
the way in and the length to which I have being crushed by the  
various agencies of the Central Government has left me with the  
lasting impression that there is no democracy in India - once we  
were slaves of British, still we are slaves of our own people in  
power.

By the means of RTI Investigations, I was trying to protect the  
Ex-servicemen Contributory Health Scheme from its untrustworthy  
and abusive administrators. Doing so, however, my non-entitlement  
to the E.C.H.S. has been abused to defame me with scandalous  
allegations, which the Army later admitted in writing to be false  
and baseless, and threatening me has become a routine.

For want of greater transparency to cure evil in the E.C.H.S., on  
which lives of 52 lakhs beneficiaries and that of my parents are  
dependent, I filed two 2<sup>nd</sup> RTI Appeals with the Central  
Information Commission. In hearing dated 15<sup>th</sup> Jan 2024, vide the  
herewith enclosed hearing notices, the **Information Commissioner  
Shri Vinod Kumar Tiwari bullied me into depriving me of my right  
to argue and defend my appeals, the hearing was a sham.** On 17<sup>th</sup>  
Jan 2024, I orally complained to the Deputy Registrar of the

Central Information Commission, and I was advised to file written complaint with the Chief Information Commissioner. I registry post my complaint (copy is herewith enclosed) on 18<sup>th</sup> Jan 2024 and emailed, too. I was shocked to see that on 22<sup>nd</sup> Jan 2024 the C.I.C.'s fraudulent decision to escape responsibility has been uploaded in its website.

**Contention:** The unabashed Central Government wanes accountability, to cover its failures subdues RTI Investigators, and to cover its objectionable policies, deficiency in service, and people dissatisfaction imposes restrictions on their freedom of speech. To ruin the RTI Act, the Central Government has not only appointed Information Commissioners having no formal education in law but also crippled suo moto disclosure u/s 4 of the RTI Act by deliberately neglecting implementation of the (enclosed) Department of Personnel and Training Office Memorandum No. 1/6/2011-IR dated 15<sup>th</sup> April 2013. Had the aforesaid O.M. being implemented strictly in the E.C.H.S. and Department of Ex-servicemen Welfare (MoD), whatever refinement and transparency in the E.C.H.S. I was trying to have through RTI must have been already pointed out by the third party auditors and the C.I.C.

**Requisition:** There is no point in filing complaint against Information Commissioner Shri Vinod Kumar Tiwari with the hopeless and backstabbing Central Government. Rather I would like to nominate the name of the Information Commissioner for award and promotion for outstanding performance of abuse of position to please the handful of politicians who are running not Government of India but Oligarchy of India. I do not need to thank you because my failure to protest is what you ever wanted. **Honourable President of India, however, if you do care to restore my faith in the Central Government; then, please give necessary order to the C.I.C. for conducting hearing of my two RTI 2<sup>nd</sup> Appeals in the Full Bench as soon as possible.** Thanks.

**Authority:** The complainant is in the capacity of being the patient-party and offspring of the E.C.H.S. beneficiary:

**Nk Gopal Chakraborty (Retired, Army) (Father)**

E.C.H.S. Regional Centre: Kolkata, West Bengal

Hopefully, &c.,

Place: Dum Dum, Calcutta.

Enclosures:

(Signed)

(Self-attested Xerox copies /  
Digital copies)

ANIRBAN CHAKRABORTY

Patient-party and authorised representative.  
As stated.

#### **AFFIDAVIT**

I Anirban Chakraborty S/o Nk Gopal Chakraborty (Retired) aged about 36 years being an Indian citizen and in the capacity of

being the offspring and the patient-party; do hereby solemnly affirm that the statements made in this complaint are true to my knowledge and information received and the rest are my humble submissions.

ANIRBAN CHAKRABORTY

Cannot sign in ink because it will exceed the permitted document size of 4MB.



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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Rajbari Colony SO	18/01/2024 12:43:04	110067	31.86	Registered Letter	JNU SO	25/01/2024 13:58:37

**Event Details For : RW120177852IN**

**Current Status : Item Delivered(Addressee)**

Date	Time	Office	Event
25/01/2024	13:58:37	JNU SO	Item Delivered(Addressee)
25/01/2024	08:46:43	JNU SO	Out for Delivery
25/01/2024	07:54:18	JNU SO	Item Received
25/01/2024	06:23:47	Zonal Mail Agency AMPC	Item Dispatched
24/01/2024	05:48:14	Zonal Mail Agency AMPC	Item Received
24/01/2024	03:19:39	MA RMS Bhawan	Item Dispatched
24/01/2024	02:38:58	Delhi RMS Bhawan CRC L1R	Item Dispatched
24/01/2024	02:12:01	Delhi RMS Bhawan CRC L1R	Item Bagged
23/01/2024	22:23:53	Delhi RMS Bhawan CRC L1R	Item Received
22/01/2024	22:36:36	MA RMS Bhawan	Item Dispatched
22/01/2024	17:32:53	Delhi AP TMO	Item Dispatched
22/01/2024	13:41:57	Delhi AP TMO	Item Received
19/01/2024	05:46:41	KOL AP TMO	Item Dispatched
19/01/2024	05:00:38	KOL AP TMO	Item Received
19/01/2024	03:35:16	Kolkata RMS Mails TMO	Item Dispatched
19/01/2024	03:31:53	Kolkata RMS Mails TMO	Item Received

19/01/2024	03:18:19	Kolkata CRC L1R	Item Dispatched
19/01/2024	02:43:44	Kolkata CRC L1R	Item Bagged
19/01/2024	01:18:27	Kolkata CRC L1R	Item Received
19/01/2024	01:04:08	Kolkata RMS Mails TMO	Item Dispatched
19/01/2024	00:47:07	Kolkata RMS Mails TMO	Item Received
18/01/2024	20:36:54	KOL AP TMO	Item Dispatched
18/01/2024	20:07:27	KOL AP TMO	Item Received
18/01/2024	14:58:47	Rajbari Colony SO	Item Dispatched
18/01/2024	14:50:30	Rajbari Colony SO	Item Bagged
18/01/2024	12:43:04	Rajbari Colony SO	Item Booked

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**Central Information Commission**

**Baba Gang Nath Marg**

**Munirka, New Delhi - 110067**

011-26181927

<http://dsssic.nic.in/online-link-paper-compliance/add>

File No. **CIC/DEXSW/A/2022/664968**

DATE : **22-12-2023**

**NOTICE OF HEARING FOR APPEAL/COMPLAINT**

Appellant(s)/Complainant(s):	Respondent(s):
<b>Anirban Chakraborty</b> Son of Nk Gopal Chakraborty, 2 No. Motilal Colony, P.O. Rajbari Colony, Kolkata 700081 West Bengal, North 24 Parganas, 700081	<b>CPIO :</b> 1. The CPIO Department of Ex-Servicemen Welfare, Ministry of Defence, Room No. 221, 'B' Wing, Sena Bhavan, New Delhi -110011.

Date of RTI	Date of reply, if any, of CPIO	Date of 1st Appeal made, if any	Date of order, if any, of First AA
25-05-2022	27-07-2022	31-08-2022	-

1. Take notice that the above appeal/complaint in respect of RTI application dated 25-05-2022 filed by the appellant/complainant has been listed for hearing before **Hon'ble Information Commissioner Shri. Vinod Kumar Tiwari** at Venue **Venue Address** on **15-01-2024 at 12:45 PM**.

2. The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative.

3. (a) CPIO/PIO should personally attend the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the rank of CPIO/PIO, fully acquainted with the facts of the case **and bring complete file/file(s) with him**.

(b) If the CPIO attending the hearing before the Commission does not happen to be the concerned CPIO, it shall still be his/her responsibility to ensure that the CPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.

4. All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same shall be served upon opposite party. If

any party wishes to make online submission, the same may be sent to the Commission's link only viz., <http://dsscic.nic.in/online-link-paper-compliance/add>

5. CPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

**8. The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.**

### Venue for the Appellant/Complainant

**NIC Studio : N.I.C. Video Conferencing Studio, 7th Floor, First M.S.O. Building,  
C.G.O. Complex, Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata-700020 (West  
Bengal)  
(Contact officer : Mr. Devashish Chandra (Technical Director). Contact No : 033-  
-----)**

**Venue :**Room No. 313, Central Information Commission, Baba Gang Nath Marg , Munirka,  
New Delhi - 110067

By order of the Commission.

Reference number of CPIO Reply(if any) :

-

**Rakesh Kumar Rao  
Dy. Registrar  
011-26181927**

To

1. CPIO,Public Authority
2. Appellant/Complainant

Copy To:

The First Appellate Authority

Copy for information/necessary action to: NIC.



**Central Information Commission**

**Baba Gang Nath Marg**

**Munirka, New Delhi - 110067**

**011-26181927**

<http://dsssic.nic.in/online-link-paper-compliance/add>

File No. **CIC/DEXSW/A/2023/639662**

**DATE : 22-12-2023**

**NOTICE OF HEARING FOR APPEAL/COMPLAINT**

Appellant(s)/Complainant(s):	Respondent(s):
<b>Anirban Chakraborty</b> 2 No. Motilal Colony, P.O. Rajbari Colony, Kolkata 700081 West Bengal, North 24 Parganas, 700081	<b>CPIO :</b> 1. The CPIO Department of Ex-servicemen Welfare, Ministry of Defence, 221, B Wing, Sena Bhawan, New Delhi - 110011

Date of RTI	Date of reply, if any, of CPIO	Date of 1st Appeal made, if any	Date of order, if any, of First AA
23-01-2023	07-03-2023	05-04-2023	09-05-2023

1. Take notice that the above appeal/complaint in respect of RTI application dated 23-01-2023 filed by the appellant/complainant has been listed for hearing before **Hon'ble Information Commissioner Shri. Vinod Kumar Tiwari** at Venue **Venue Address** on **15-01-2024 at 12:50 PM**.

2. The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative.

3. (a) CPIO/PIO should personally attend the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the rank of CPIO/PIO, fully acquainted with the facts of the case **and bring complete file/file(s) with him**.

(b) If the CPIO attending the hearing before the Commission does not happen to be the concerned CPIO, it shall still be his/her responsibility to ensure that the CPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.

4. All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same shall be served upon opposite party. If

any party wishes to make online submission, the same may be sent to the Commission's link only viz., <http://dsscic.nic.in/online-link-paper-compliance/add>

5. CPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

8. **The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.**

### Venue for the Appellant/Complainant

**NIC Studio : N.I.C. Video Conferencing Studio, 7th Floor, First M.S.O. Building, C.G.O. Complex, Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata-700020 (West Bengal)**

**(Contact officer : Mr. Devashish Chandra (Technical Director). Contact No : 033-  
-----)**

**Venue :Room No. 313, Central Information Commission, Baba Gang Nath Marg , Munirka, New Delhi - 110067**

By order of the Commission.

Reference number of CPIO Reply(if any) :

-

**Rakesh Kumar Rao  
Dy. Registrar  
011-26181927**

To

1. CPIO,Public Authority
2. Appellant/Complainant

Copy To:

The FAA

Copy for information/necessary action to: NIC.



# Written Statement for the C.I.C. hearing dated 15th Jan 2024. Part 4 of 4.

1 message

**Anirban Chakraborty** <[redacted]@gmail.com> Mon, Jan 8, 2024 at 15:56  
To: MANAGING DIRECTOR ECHS <mdechs-mod@nic.in>, Shri N K Panda <us-we@desw.gov.in>, Dr. P.P. Sharma <OSD-WE-IC@desw.gov.in>  
Cc: dirvigilance@echhs.gov.in, DIRECTOR (COMPLAINTS & LITIGATION) <DIRCOMPLAINTS-MOD@nic.in>, JT DIRECTOR (COMP & LITIGATION) ECHS <JDCLECHS-MOD@nic.in>, DY MANAGING DIRECTOR ECHS <DYMDECHS-MOD@nic.in>, secyesw@nic.in, DIRECTOR MEDICAL ECHS <DIRMEDECHS-MOD@nic.in>, P R MOHANTY <dirrckolkata@echhs.gov.in>, Echs Salt Lake <saltlake@echhs.gov.in>, Bengal Area <[redacted]@echhs.gov.in>

Please see the attached files.

On Mon, Jan 8, 2024, 15:54 Anirban Chakraborty <[redacted]@gmail.com> wrote:  
Please see the attached files.

On Mon, Jan 8, 2024, 15:52 Anirban Chakraborty <[redacted]@gmail.com> wrote:  
Please see the attached files.

On Mon, Jan 8, 2024, 15:49 Anirban Chakraborty <[redacted]@gmail.com> wrote:  
Greetings,  
One written statement, nine parts of supporting documents, and 2 hearing notices are attached with this email and the emails in continuation to this email for the persons named below:

- The Managing Director C.O. E.C.H.S.
- The Director Vigilance C.O. E.C.H.S.
- Shri Nanda Kishore Panda
- Shri Suman Sharma
- Col Anirudh Shekhawat
- Lt Col Deepak Bhatt
- Lt Col S. C. Katoch
- Lt Col Dr. Sourav Sinha (Retired)
- Lt Col S.K. Ray
- Lt Col Sanjoy Bhattacharyya (Retired)
- Col Pratap Ranjan Mohanty
- Lt Col Vidyut Mukherjee (Retired)
- Col A. C. Nishil
- Brigadier Y. S. Sirohi
- Col Sudip Majee
- Col Gautam Rajrishi

No additional hardcopy shall be registry post.

Thanks.

With regards,  
Anirban Chakraborty  
(Authorised representative and the patient party)

S/o  
Nk Gopal Chakraborty (Retd.)  
2 No. Motilal Colony, P.O.: Rajbari Colony, Kolkata 700081, West Bengal

Ph.

ECHS Polyclinic: :  
RC: Kolkata

**Written Statement for hearing**  
**dated 15<sup>th</sup> Jan 2024 with CIC,**  
**Shri Vinod Kumar Tiwari,**  
**Right to Information Act, 2005**

*Anirban Chakraborty*

*S/o Nk Gopal Chakraborty (Retd.)*  
2 No. Motilal Colony, P.O.: Rajbari Colony,  
Calcutta 700081, (N) 24 Pgs., West Bengal,

✶ The petitioner is being  
repeatedly threatened by  
the Indian Military.

Ref. RTIWS/AC5A/CIC/1(24)  
No



@gmail.com

To,

The Central Information Commissioner  
Office of the Central Information Commission, Govt. of India  
CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110067

Dated Calcutta the 8<sup>th</sup> January 2024.

Subject:

Surviving constant threats, harassment, and defamation from the Indian Military,  
an earnest endeavour of a patient-party and offspring,  
in public interest,  
for bringing transparency in the order of processing of the reimbursement claims  
in all the Polyclinics in India of the Ex-Servicemen Contributory Health Scheme  
and  
for publication in websites of the E.C.H.S. and the D.E.S.W.  
copies of the orders and judgments in all closed cases filed by or against the E.C.H.S.  
in any court, tribunal, forum, commission, information commission, and the like  
for education and empowerment of  
the 52 lakhs aged, alone, abandoned, widowed, retired beneficiaries, who are ignorant of law,  
for sensitisation of the administrators,  
and for publication of  
the expenditure incurred in paying interest, compensation, and cost to the beneficiaries  
to prevent abuse, threats, and unfair practices  
happening repeatedly with the beneficiaries suffering in silence  
and to protect the health scheme from getting diluted, deficient, and ruined  
in the hands of untrustworthy, irresponsible, and dangerous administrators of the E.C.H.S.

References:

**Name: Order of Reimbursement Case**

- 1) CIC File No. CIC/DEXSW/A/2022/664968 dated 4<sup>th</sup> Dec 2022.
  - a. 1<sup>st</sup> Appeal Registry Post RW483991298IN, delivered on 5/09/22
  - b. RTIOnline (trf.) ECHSD/R/T/22/00028 dated 2<sup>nd</sup> June 2022.
  - c. RTIOnline (org.) DEXSW/R/E/22/00523 dated 25<sup>th</sup> May 2022.


**Name: Education & Empowerment Case**

- 2) CIC File No. CIC/DEXSW/A/2023/639662 dated 14<sup>th</sup> Aug 2023.
  - a. 1<sup>st</sup> Appeal Registry Post RW483994127IN dated 5<sup>th</sup> Apr 2023.
  - b. RTIOnline (trf.) ECHSD/R/T/23/00014 dated 13<sup>th</sup> Feb 2023.
  - c. RTIOnline (org.) DEXSW/R/E/23/00075 dated 23<sup>rd</sup> Jan 2023.

**Written Statement for hearing**  
**dated 15<sup>th</sup> Jan 2024 with CIC,**  
**Shri Vinod Kumar Tiwari,**  
**Right to Information Act, 2005**

*Anirban Chakraborty*

*S/o Nk Gopal Chakraborty (Retd.)*  
2 No. Motilal Colony, P.O.: Rajbari Colony,  
Calcutta 700081, (N) 24 Pgs. , West Bengal,

 The petitioner is being repeatedly threatened by the Indian Military.

Ref. RTIWS/AC5A/CIC/1(24)  
No

  
 @gmail.com

To,

The Central Information Commissioner

Office of the Central Information Commission, Govt. of India  
CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110067

Dated Calcutta the 8<sup>th</sup> January 2024.

Subject:

Surviving constant threats, harassment, and defamation from the Indian Military,  
an earnest endeavour of a patient-party and offspring,  
in public interest,  
for bringing transparency in the order of processing of the reimbursement claims  
in all the Polyclinics in India of the Ex-Servicemen Contributory Health Scheme  
and  
for publication in websites of the E.C.H.S. and the D.E.S.W.  
copies of the orders and judgments in all closed cases filed by or against the E.C.H.S.  
in any court, tribunal, forum, commission, information commission, and the like  
for education and empowerment of  
the 52 lakhs aged, alone, abandoned, widowed, retired beneficiaries, who are ignorant of law ,  
for sensitisation of the administrators,  
and for publication of  
the expenditure incurred in paying interest, compensation, and cost to the beneficiaries  
to prevent abuse, threats, and unfair practices  
happening repeatedly with the beneficiaries suffering in silence  
and to protect the health scheme from getting diluted, deficient, and ruined  
in the hands of untrustworthy, irresponsible, and dangerous administrators of the E.C.H.S.

References:

**Name: Order of Reimbursement Case**

- 1) CIC File No. CIC/DEXSW/A/2022/664968 dated 4<sup>th</sup> Dec 2022.
  - a. 1<sup>st</sup> Appeal Registry Post RW483991298IN, delivered on 5/09/22
  - b. RTIOnline (trf.) ECHSD/R/T/22/00028 dated 2<sup>nd</sup> June 2022.
  - c. RTIOnline (org.) DEXSW/R/E/22/00523 dated 25<sup>th</sup> May 2022.

**Name: Education & Empowerment Case**

- 2) CIC File No. CIC/DEXSW/A/2023/639662 dated 14<sup>th</sup> Aug 2023.
  - a. 1<sup>st</sup> Appeal Registry Post RW483994127IN dated 5<sup>th</sup> Apr 2023.
  - b. RTIOnline (trf.) ECHSD/R/T/23/00014 dated 13<sup>th</sup> Feb 2023.
  - c. RTIOnline (org.) DEXSW/R/E/23/00075 dated 23<sup>rd</sup> Jan 2023.

**Cause Title:**

**Anirban Chakraborty**

Son of E.C.H.S. beneficiary Nk Gopal Chakraborty (Retired, Army)

E.C.H.S. Regional Centre: Kolkata, West Bengal

..... **The Appellant**

Versus

**Shri Nanda Kishore Panda (present) & Shri Suman Sharma (former)**

The C.P.I.O. and Deputy Director (We.)

Department of Ex-Servicemen Welfare, Ministry of Defence,  
Government of India

With

**Col Anirudh Shekhawat & Lt Col Deepak Bhatt**

The C.P.I.O. and the Director Complaints & Litigations  
and the Joint Director Complaints & Litigations  
Central Organisation Ex-Servicemen Contributory Health Scheme  
Department of Ex-Servicemen Welfare, Government of India

..... **The Public Authorities**

And

**Names of the persons charged:**

- 1) ECHS Cell HQ Bengal Sub Area, the then Officer-in-Charge Lt Col S. C. Katoch.
- 2) Polyclinic Salt Lake, Medical Officer Lt Col Dr. Sourav Sinha (Retired).
- 3) Regional Centre Kolkata, Joint Director Lt Col S.K. Ray.
- 4) ECHS Polyclinic Salt Lake, Officer-in-Charge Lt Col Sanjoy Bhattacharyya (Retired).
- 5) Regional Centre Kolkata, the then Director Col Pratap Ranjan Mohanty.
- 6) ECHS Polyclinic Salt Lake (now in PC Kolkata), the then Officer-in-Charge Lt Col Vidyut Mukherjee (Retired).
- 7) C.O. E.C.H.S., Director Medical Col A. C. Nishil and other.
- 8) Command Hospital (E.C.), the then C.P.I.O. and S.E.M.O. Deputy Commandant Brigadier Y. S. Sirohi.
- 9) HQ Bengal Sub Area, C.P.I.O. Col Sudip Majee.
- 10) Regional Centre Kolkata, Director Col Gautam Rajrishi.
- 11) D.E.S.W., C.P.I.O. Nanda Kishore Panda

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Respected Official,

I would like to repeat what I said to the E.C.H.S.:

Every RTI Application made out of public interest has a bona fide story to tell, to provide a perspective, a background, and the reasons, which quite often is absent in a RTI Application made out of personal interest. Without pride and prejudice, the RTI Act, 2005, gives a fighting chance to the humble, mediocre, and poor, which is enshrined in the Preamble of the Right to Information Act, 2005.<sup>1</sup>

Do not dwell on misconception that RTI applications are filed to obtain textbook knowledge, to worship my lord, or to celebrate the idiocy of legislature. The preamble of RTI is made to fight against corruption and to protect innocent and weak from the people who abuse their positions. Every RTI request, in public interest, has the force of complaint against the government and the administrators of the government, and takes the form of demand for existing documents. Each query in my RTI Applications pay respects to the preamble and loudly and clearly demands copies of existing documents.<sup>2</sup>

Doing so subjects the RTI Applicant to threats, harassment, and personal attacks such as scandalous allegations and defamation by the public authority. There is no faith in the government. Where should the RTI Applicant take refuge? Central Bureau of Investigation and Central Vigilance Commission are parts of that unfaithful government. The RTI Applicant, therefore, has to do investigations on its own in the public interest and in its own defence. So it is my request that henceforth my RTI Applications and Appeals be known as the RTI Investigations. I am a survivor of such cruelty in the hands of the Indian Military, and I appear before the Commission with proof of my innocence, with dignity, and with a sense of responsibility for the Ex-servicemen who made my happy childhood memories in the Military environment.

In the interest of 52 lakhs aged, alone, abandoned, withering, widowed E.C.H.S. beneficiaries and my parents, who suffer in silence, have no knowledge of law, have no strength to fight, and in their sunset years are in the stage called acceptance, I have requested some information in two RTI Investigations, which has been denied totally without giving me an opportunity for hearing.

The information sought regarding functioning of the public authority is a fundamental right<sup>3</sup> and the information sought is

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<sup>1</sup> RTIOnline Application DEXSW/R/E/23/00678.

<sup>2</sup> Email 24<sup>th</sup> Sep 2022, in r/o RTI Application DEXSW/R/E/22/00891.

<sup>3</sup> Enshrined in the Article 19 of the Constitution of India, State of U.P. v. Raj Narain: AIR 1975 SC 865 Union of India v. Association for Democratic Reforms: AIR 2002 SC 2112 and PUCL v.

vital for the lives of the beneficiaries where the public authority is health care provider. The C.I.C. is, therefore, requested to determine the correctness of the grounds cited by the public authority in denying the information sought and to see if the public interest justifies giving necessary order to the public authority to publish regularly in website of the E.C.H.S. and the D.E.S.W.<sup>4</sup> the updated information sought, u/s 6(1), 7(9), 4(1)(a), 4(1)(b)(iv and v), 4(1)(d), and 4(2, 3, and 4) of the RTI Act, 2005, supported by the following observation of the Delhi High Court:

15. The basic financial data can be accessed to generate innumerable reports depending on the exigencies and requirements of an organization. A direction by the CIC to maintain such records to generate reports, merely because an individual information seeker has sought such information, is not warranted as the same would multiply with each information seeker seeking information in different form. **A direction to maintain records in a particular manner must be occasioned by considerations of public interest,...**<sup>5</sup>

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Union of India: (2003) 4 SCC 399. (In W.P.(C) 6634/2011 & CM No.13398/2011 Delhi High Court).

<sup>4</sup> In recent past after filing the First Appeal, it was seen that the E.C.H.S. website was taken down for almost two months; so where medical service is a matter of life, duplication is necessary.

<sup>5</sup> W.P.(C) 1842/2012 & CM No. 4033/2012, Judgment delivered on: 19.12.2014, The High Court Of Delhi at New Delhi.

**Information sought: (The public authority denied everything.)**

**Information sought in Order of Reimbursement Case:  
CIC File No. CIC/DEXSW/A/2022/664968 dated 4<sup>th</sup> Dec 2022.**

For all the beneficiaries of the E.C.H.S. and in respect of the E.C.H.S. Polyclinics situated all over India:

1. It is requested to **henceforth** suo moto publish online, in the websites of the E.C.H.S. and D.E.S.W., a list containing the following details about all the reimbursement-claims processed by a polyclinic in the previous month:

a) Name, rank, and the last three digits<sup>6</sup> of the E.C.H.S. card number of the beneficiaries who are claiming reimbursement;

b) Date and mode<sup>7</sup> of submission of their reimbursement-claim documents;

c) Entry serial number (*i.e. claim submission number*) locally and manually generated and assigned by the polyclinic to such submission, if any;

d) The date on which the parent polyclinic finalized and uploaded the documents of a reimbursement-claim in the designated bill processing website, like UTI-ITSL;

e) The date on which the parent polyclinic verified the reimbursement-claim *that is* self-uploaded in the designated bill processing website by the beneficiary, for further processing;

f) The date on which the fund allocated to the polyclinic in the previous month for doing local purchase exhausted or became insufficient.

2. It is quite indispensable that the list as generated in due course be positively published per month per E.C.H.S. polyclinic situated all over India.

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<sup>6</sup> So that a beneficiary can distinguish itself from other having identical name and rank under the same polyclinic. **There is no need to publish the complete E.C.H.S. card number because such publication will be misused to intrude in the private affairs of the beneficiaries.**

<sup>7</sup> Like by hand, by post, by email, by self-upload, and the like.

**Information sought in Education & Empowerment Case:  
CIC File No. CIC/DEXSW/A/2023/639662 dated 14<sup>th</sup> Aug 2023.**

1. Gather<sup>8</sup> the records of all the **disposed/closed/non-pending cases** filed anywhere in India **by or against the E.C.H.S.** in the High Courts, the Supreme Court, the District Consumer Fora, the State Consumer Commissions, the National Consumer Commission, the Armed Forces Tribunals, the Central Information Commission, and the like **since inception of the E.C.H.S., i.e. the year 2003, and till date**, and publish the same in the websites of the E.C.H.S. and the D.E.S.W. in the manner stated as follows:
    - a) A list of the following:
      - i) Case No. and Case Year;
      - ii) Case Type;
      - iii) Names of the Plaintiff and the Defendant;
      - iv) Name of the court, forum, commission, tribunal, etc.
    - b) Publish the copies of decisions, orders, or judgments of such cases as available with the E.C.H.S.
  2. Publish in the websites of the E.C.H.S. and the D.E.S.W. the following amounts relevant to the period: since inception of the E.C.H.S., i.e. the year 2003, and till date:
    - a) **interest** paid by the E.C.H.S. to the beneficiaries on the reimbursement-claims that were denied or rejected by the E.C.H.S.;
    - b) **compensation and cost** paid by the E.C.H.S. to the beneficiaries for harassment, mental agony, and cost of litigations.
- Note: Interest, compensation, and cost paid to the litigating beneficiary are on the order of court, tribunal, and the like.**
3. In the website of the E.C.H.S. and the D.E.S.W., henceforth suo moto regularly update the information sought in the S. No. 1 and 2 above.

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<sup>8</sup> N.K. Panda said in its letter dated 7<sup>th</sup> March 2023 "As such RTI **applicant does not have power to give any direction** to Public Authority within the jurisdiction of the RTI Act, 2005". On 11<sup>th</sup> Aug 2023, I replied in my PGPORTAL request reference no. CPT/ACFSH/DESW/913(8): Yes, it is partially true because I personally believe that you have sold your service but not your soul, despite the fact that you are a public servant. You hold your autonomy and you hold your dignity. I, however, being a citizen of this country have the power to question you and demand answers to, for you being a part of the Government that I cast my vote for; it is democracy. Power to give direction comes with the power to inflict pain and fear on disobedience. So, do I have that sort of power, Mr. Nanda Kishore Panda? Please do not lower your dignity, which you have earned from years of service. I do not want a Government who is unsure of earning respect from the citizens.

**Requisition:** Please ...

- 1) Give necessary orders to the public authority for necessary changes in relation to maintenance and management of records to facilitate regular suo moto publication of the information sought in the websites of the E.C.H.S. and D.E.S.W., u/s 19(8) of the RTI Act, 2005.
- 2) Direct the public authority to provide me free of cost the list of all decided/closed cases filed by or against the E.C.H.S. anywhere in India in any Court, Tribunal, Forum, Commission, Armed Forces Tribunal, and the Central Information Commission. This beginning exercise is essential preparation for the required publication.
- 3) Direct the public authority, E.C.H.S. and D.E.S.W., to **henceforth** suo moto publish in their websites all filed RTI Applications, RTI 1<sup>st</sup> Appeals, RTI 2<sup>nd</sup> Appeals, Written Statements, and replies given by the public authority and the C.I.C. It is further requested that this exercise start with publication of my past & present RTI Investigations.
- 4) Direct the public authority, E.C.H.S. and D.E.S.W., to get its proactive disclosure package u/s 4 of the RTI Act audited by an external third party as per Department of Personnel & Training's Office Memorandum No. 1/6/2011-IR dated 15th Apr 2013.
- 5) Direct the public authority to publish in the websites of the E.C.H.S. and D.E.S.W. and in notice board of every polyclinic and military hospital the Charter of Patients' Rights, which has been adopted and recognised by the Central Government. If required I shall email to the E.C.H.S. that complete document, which I got through RTI from the National Human Rights Commission and the C.G.H.S.
- 6) Direct the public authority to process my long pending RTI Online Applications (DEXSW/R/E/23/01118, DEXSW/R/E/23/01238, and DEXSW/R/E/23/01253) and connected First Appeals filed 1 by Registry Post to the Provost Marshal and then 3 online.
- 7) Direct the public authority to remove the restriction on the beneficiaries in the official Telegram group of E.C.H.S. Polyclinic Salt Lake. It is reflection of the condition of the health scheme, and it is important source of information for me to conduct future RTI Investigations in public interest.
- 8) Give strict warning to First Appellate Authority Dr. P.P. Sharma for not replying to my first appeal in the Order of Reimbursement Case, for not reading my first appeal in the Education and Empowerment Case, and for never giving me opportunity for hearing despite requests.

- 9) Send Bad Father of E.C.H.S. Shri Nanda Kishore Panda (C.P.I.O.) back to RTI training.
- 10) Provide me compensation of Rs. 6,000/- for expenditure and hardship, and credit that amount in my father's bank account.
- 11) As Lt Col S. C. Katoch, Col Pratap Ranjan Mohanty, and Lt Col Vidyut Mukherjee (Retired) are directly involved in threatening the RTI Investigator with scandalous allegations and defamation, so:
- a. Direct the Chief of Army Staff to initiate the process of General Court Martial against Lt Col S. C. Katoch and Col Pratap Ranjan Mohanty for conduct unbecoming and cruelty. Please do not take disciplinary action because it is not open to the public and me; Indian Army will do injustice with me just like Priya Narhari Case. I do not trust Indian Military any more, so I want to argue and present my case as party-in-person.
  - b. Direct the Station Commander Bengal Sub Area Calcutta to terminate contract with Lt Col Vidyut Mukherjee (Retired), who is now the Officer-in-Charge in E.C.H.S. Polyclinic Kolkata. Also, give necessary direction to the C.O. E.C.H.S. for wide publicity to that, because it is the same policy of the E.C.H.S. against the beneficiaries.
  - c. Provide me compensation of Rs. 3,00,000/- for mental harassment, threats, and defamation, and direct the Indian Army to credit that amount to the Army Welfare Fund or most preferably to the E.C.H.S. fund (if exists) on my behalf with intimation to you and me in writing. **Please direct the concerned department(s) to do necessary deductions from the salary of OIC Lt Col Vidyut Mukherjee (Retired).**
- 12) The C.I.C. is also requested either to do investigation by itself or direct C.B.I. to do investigation in to the matter of suppressing my RTI Applications and First Appeals, and take necessary action against the persons found guilty in C.O. E.C.H.S./D.E.S.W./Army, under the Prevention of Corruption Act. Please do not rely on Army's vigilance department.

**Logic for compensation asked:**

What good will do disciplinary action? It is a momentaneous affliction completely recoverable from with time; in grab of privacy in service matters, nobody else can sniff it out of thin air -its secret- and it has no effect to mould behavior of larger population indulged in similar profession. Whereas, harm that is

being done to the aged and alone beneficiaries, until the C.I.C. intervenes, is as much irrecoverable from as is the years of suffering.

Compensation or penalty, on the other hand, is what that has lasting effect; it has an effect to hit the interest of the accused in proportion to the suffering of the victims, if and only if it does not cost the exchequer money of the taxpayers but cost the individual accused.

I hope 52 lakhs E.C.H.S. beneficiaries living alone in their sunset years deserve the compensation for the suffering that they are being continuously subjected to in the hands of the unabashed E.C.H.S. administrators, in dearth of transparency.

*Harassment of a common (person) by public authorities is socially abhorring and legally impermissible. It may harm (the person) personally but the injury to society is far more grievous. Crime and corruption thrive and prosper in the society due to lack of public resistance. Nothing is more damaging than the feeling of helplessness. An ordinary citizen instead of complaining and fighting succumbs to the pressure of undesirable functioning in offices instead of standing against it. Therefore the award of compensation for harassment by public authorities not only compensates the individual, satisfies him personally but helps in curing social evil. It may result in improving the work culture and help in changing the outlook.<sup>9</sup>*

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<sup>9</sup>CIC/SG/A/2012/000623/18628.

**Precedents:****Precedent in Order of Reimbursement Case:**

Kindly go to the website of the C.G.H.S., <https://cghs.gov.in>; then go to Medical Reimbursement Claim Status and select a city. There you will see Pending and Settled Medical Reimbursement Claim (MRC) Status of the past three months. Download any two<sup>10</sup> and you will see that:

In Settled MRC Status, the C.G.H.S. publishes the following details:

- 1) Date of receiving claim documents from the beneficiaries;
- 2) Online Claim No.;
- 3) Beneficiary name; (corresponding to Rank and Name of the Ex-Serviceman)
- 4) Beneficiary ID; (corresponding to E.C.H.S. Card No.)
- 5) Claim Amount;
- 6) Sanctioned Amount;
- 7) Sanction Date;
- 8) Sanction No.;
- 9) Bill No./CP No.;
- 10) Date Sent to PAO.

In Pending (and rejected) MRC Status, the C.G.H.S. publishes the following details:

- 1) Date of receiving claim documents from the beneficiaries;
- 2) Claim No.; (corresponding to reference no. locally generated by a parent polyclinic)
- 3) Beneficiary name; (corresponding to Rank and Name of the Ex-Serviceman)
- 4) Beneficiary ID; (corresponding to E.C.H.S. Card No.)
- 5) Hospital Name or OPD;
- 6) Amount claimed;
- 7) Status;
- 8) Remarks.

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<sup>10</sup> Two downloaded documents (Delhi South) @ Diary No. 600873 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2 and 4.

**Precedent in Education & Empowerment Case: (1)**

C.O. E.C.H.S. letter dated 12<sup>th</sup> Nov 2016 being no. B/49714-CC/AG/ECHS<sup>11</sup> having subject:

**Advisory: B/49714-CC/AG/ECHS/5-2016**  
**Defence of ECHS Reimbursement claim cases in consumer forums**

4. It is imperative that such legal cases are contested in the appropriate forum/court suitably. The relevant policies must be entrusted to the CGSC/ counsel hired by respective Stn HQs in consultation with the concerned polyclinic and Regional Centre ECHS. Settled cases which can aid def of such court cases are given in fwg paras.

**5. OA No. 85 of 2010-Filed by Lt Col KB Singh in AFT, Regional Bench, Lucknow**

(a) **Brief Case.** The appellants wife, an under treatment diabetic patient, was admitted in a non empanelled hospital for an acute attack of Hypo Tension and Hypo Glycemia. The petitioner submitted indl reimbursement claim of Rs 4,83,477/- subsequently. The bills were processed and Rs 2,00,067/- were reimbursed by ECHS. The appellant filed a case for balance amount.

(b) **Judgement.** The Hon'able court dismissed the case stating that "Laid down policies do not permit payment of full amount to non empanelled hosp as claimed by the appellant."

(c) **Rationale.** Comparison of the working sheets and assessment carried out by ECHS were found to be correct. As per laid down policies, payment of full amt could not be justified. ECHS reimbursement is limited by CGHS/ Govt notified rates.

...Examples of 2 more cases...

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<sup>11</sup> @ Diary No. 600873 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 7.

**Precedent in Education & Empowerment Case: (2)**

Moreover, such records are maintained by the public authority. C.O. E.C.H.S.'s letter being no. B/49717-C/AG/ECHS dated 9<sup>th</sup> Oct 2015 having subject<sup>12</sup>:

**Complaint and Litigation Sec. ---**

**Advisory: B/49717-C/AG/ECHS/5-2015-Applicability of Consumer Protection Act 1986 w.r.t. ECHS.**

12. As soon as the court has given its decision on the case, the officer detailed to assist the Government Pleader in the defence of the suit will communicate the findings of the court to Area or equivalent Headquarters who in turn will communicate the same to the Dte/Branch concerned at Command Headquarters. **The concerned Station Headquarters will also send a copy of the Court's judgement and decree to the Regional Centre who will monitor such cases and keep a record thereof.**

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<sup>12</sup> @ Diary No. 600873 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 10.

### **Inquiry into the nature of the public authorities:**

To understand what public interest forced me to start these two RTI Investigations, i.e. Order of Reimbursement Case and Education and Empowerment Case, it is imperative to know what kind of persons are the public authority, and how they are preventing the health scheme from benefiting the beneficiaries, causing catastrophic failure of the health scheme. For protection of the public interest, i.e. the health scheme, it is imperative to inquire about their public activities.

Keeping in mind that the C.I.C. decides about no rights of the petitioner other than the right to information, I have decided not to present the incidents in the order of occurrence but to organise the incidents in such a way to disclose the true nature of the respondents and to paint a bigger meaningful picture.

### **D.G.A.F.M.S.- Rajrishi Case:**

As per A.D.D.G. (AK) D.G.H.S., the patients' right to obtain the second medical opinion is adopted and recognised by the Central Government and is mentioned in Charter of Patients' Rights, which has been shared with all States and Union Territories for adoption<sup>13</sup>, cognizance of which is taken by the National Human Rights Commission, too.<sup>14</sup> For several times I requested the C.O. E.C.H.S. to implement the same for the beneficiaries<sup>15</sup>; even my complaint was forwarded to the Director General Armed Forces Medical Service<sup>16</sup>, but neither the D.G.A.F.M.S. cares about the beneficiaries nor the same has been implemented yet. The D.G.A.F.M.S. is sleeping on the right of the beneficiaries to obtain the second medical opinion. In fact, none of the polyclinics have display on patients' rights.

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<sup>13</sup> Dr. Anil Kumar's Reply letter dated 28<sup>th</sup> June 2023 No. FTS-8227200 File No. Z.28016/32/2023-SAS-II(NCS). @ Diary No. 600875 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 9.

<sup>14</sup> Sanjay Kumar's Reply letter dated 13<sup>th</sup> Sep 2023 No. F.No. 28/8/2022-PRP&P. @ Diary No. 600875 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 11.

<sup>15</sup> PGPORTAL Docket Nos. MODEF/E/2021/03491 dated 14<sup>th</sup> Sep 2021, DDESW/E/2021/03074 dated 14<sup>th</sup> Sep 2021, MODEF/E/2021/05261 dated 27<sup>th</sup> Nov 2021, MODEF/E/2023/0004848 dated 20<sup>th</sup> Aug 2023.

<sup>16</sup> Director C.&L. C.O. E.C.H.S. Col Anirudh Shekhawat's letter dated 30<sup>th</sup> Dec 2021 No. B/49717-CPGRAMS/AG/ECHS(196). @ Diary No. 600875 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 13.

When I pushed the issue of patients' right to the second medical opinion in my last complaint, Director Regional Centre Kolkata Col Gautam Rajrishi replied<sup>17</sup>:

CPGRAMS GRIEVANCE REGISTRATION NO: MODEF/E/2023/0004848

*2. Reply to your grievance has already been communicated to you vide this office letter No 202771/CPGRAMS/Med dt 26 Aug 2023.*

The letter dated 26<sup>th</sup> Aug 2023 refers to my complaint regarding a very different issue about blocking all beneficiaries in the Telegram app and has subject:

*With the undeclared emergency, enforcing restriction on the Ex-servicemen to prevent them speak their problems, to protest, and to be empowered, do you deserve my vote Prime Minister Mr. Modi.*

There in PGPORTAL I requested Joint Secretary (MIS) MoD, D.K. Rai, to "Please transfer the attached complaint document to the Secretary DESW, because if I select DESW then I could never reach the Secretary. I need to serve a copy of the attached complaint document to the Secretary DESW for information and necessary action."

That is how it traveled to Deputy Secretary DESW Tirth Ram; then, to Under Secretary DESW N.C. Passi; then, finally to Col Gautam Rajrishi. Col Gautam Rajrishi knows that its higher authorities deemed fit to transfer the complaint to the individual; but, Col Gautam Rajrishi replied in the letter dated 26<sup>th</sup> Aug 2023<sup>18</sup>:

CPGRAMS GRIEVANCE REGISTRATION NO: MODEF/E/2023/0004446

*2. It is intimated that the attached complaint document cannot be transferred to the Secretary DESW by this office as there is no option on PG Portal of Director RC Kolkata window to transfer the same. This office can only transfer your complaint to Subordinate department under this Regional centre.*

Such foolish reply from such an educated individual appointed at such an important post and abruptly closing the complaints is quite deliberate and intentional with motive to insult the intellect of the complainant and to deny relief to all the beneficiaries by hook or by crook.

<sup>17</sup> Col Gautam Rajrishi's letter no. 202771/CPGRAMS/Med dated 23<sup>rd</sup> Sep 2023 (**uploaded by DESW in PGPORTAL on 28<sup>th</sup> Dec 2023**). @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 14.

<sup>18</sup> Col Gautam Rajrishi's letter dated 26<sup>th</sup> Aug 2023 No. 202771/CPGRAMS/Med (emailed to me on 28<sup>th</sup> Aug 2023). @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 15 & 16.

### **Bhattacharyya - Rajrishi Case:**

(Continuing from the previous case.)

The cause of action for filing PGPORTAL complaints<sup>19</sup> is that the E.C.H.S. used to relay updates about the affairs of polyclinics to the beneficiaries through NIC by SMSs. To reduce expenditure, later the E.C.H.S. stopped sending SMSs at all. At this juncture in the Polyclinic Salt Lake, the beneficiaries were notified to register for and join the official group of the E.C.H.S. Polyclinic Salt Lake in the Telegram app<sup>20</sup>.

Prima facie, the aforesaid notice pinned on the Polyclinic's notice board suggested that it was notified by the Central Government; the impression made was strengthen and further reinforced when the Officer-in-Charge of the Polyclinic, Lt Col Sanjoy Bhattacharyya (Retired), itself advised the beneficiaries to join the aforesaid group. Pertinently the Officer-in-Charge is itself the owner and administrator of the group. As on date, more than 900 beneficiaries and counting have joined the group by sending Telegram messages to the Officer-in-Charge giving their details like Rank, Name, Service No., E.C.H.S. Card no., Mobile No. registered with the E.C.H.S., etcetera on various occasions.

Everything was going fine until the administrators, without prior notice, in the afternoon of 26<sup>th</sup> July 2023 imposed restriction on the beneficiaries, to prevent the beneficiaries from speaking their problems, protest against unfair policies, oppression, and suppression, and be empowered, which the beneficiaries and I on behalf of my parents did through writing messages in the aforesaid Government notified Telegram group<sup>21</sup>.

In fact, in respect to my earlier Show Cause Notice filed by email, Col Gautam Rajrishi replied<sup>22</sup>:

*COMMENTS ON COMPLAINT OF MR ANIRBAN CHAKRABORTY SON OF NK  
GOPAL CHAKRABORTY (RETD) WRT TELEGRAM GROUP*

*2. As reply received from Station Cell ECHS, Kolkata, it is intimated that there is no official Telegram Group (Social media platform) promulgated by ECHS for any Polyclinic. If at all any platforms on social media are being used, these are under initiative of the Polyclinic to increase their reach to their clientele for dissemination of essential information. Therefore your complaint is not relevant.*

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<sup>19</sup> MINHA/E/2023/0015356 dated 2<sup>nd</sup> Aug 2023, MODEF/E/2023/0004446 dated 2<sup>nd</sup> Aug 2023, and MODEF/E/2023/0004868 dated 21<sup>st</sup> Aug 2023.

<sup>20</sup> Photograph of Notice Board at Polyclinic Salt Lake. @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2.

<sup>21</sup> Screenshots of Telegram (before and after). @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 3 & 4.

<sup>22</sup> Col Gautam Rajrishi's letter dated 16th Aug 2023 No. 202771/Complaint/Med, emailed to me on 16th Aug 2023. @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 5 & 8.

In one hand, the administrators state in details the purpose of the official Telegram group; in the other hand, they deny accepting the official status of the Telegram group. The Polyclinic Salt Lake is nobody's ancestral property, the admin phone number of the Telegram group is nobody's personal property, and no activity in the E.C.H.S. is private. Officer-in-Charge Lt Col Sanjoy Bhattacharyya (Retired) cannot do anything without having direction or permission from the higher authorities. What the administrators are saying is that if it is going without their knowledge; then, so be it and that is how they run the E.C.H.S. What the administrators are doing is giving a false impression that they are running the E.C.H.S. with happy and satisfied beneficiaries, denying the beneficiaries their legal right to protest for protecting their interest and service condition:

*The Calcutta Port Trust Employees (Conduct) Regulations, 1987:*

*6. Criticism of Board/Government :- No employee shall, in any radio or television broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance, make any statement of fact or opinion -*

*(i) Which has the effect of an adverse criticism of any current or a recent policy or action of the Central Government, State Government, the Board or any other Major Port Trust: provided that in the case of any employee specified in the first proviso to sub-regulation (3) of regulation 1, **nothing contained in this regulation shall apply to bona fide expression of views by him as an office bearer of a trade union of such employees for the purpose of safeguarding the service conditions of such employees or for securing any improvement therein;***

#### **Order of Reimbursement Case:**

(Continuing with the previous case.)

The main purpose behind this action of the administrators is not to block the ignorant and weak beneficiaries in the official group in the Telegram but to block me from empowering them.

Supporting screenshots<sup>23</sup>:

*11th June 2023: Col Goswami wrote about the issue of not getting insulin needle since last 6 months.*

*12th June 2023: The issue is also affirmed by Manoranjan Nag and Swapan Banerjee.*

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<sup>23</sup> @ Diary No. 600872 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 2 to 5.

12th June 2023: To help, from my personal experience I wrote the following in the official account of my father in the Telegram app:

Hi, I'm not supposed to break radio silence, but in the matter of the beneficiaries not getting insulin pen needle since past 6 months, I am giving a suggestion in public interest. 1) Entertain your legal right to ask medical officers (MO) to formally issue (a) needle, (b) spirit, and (c) cotton in your computer printed prescription every month; 2) having NA in r/o needle and spirit, go to either dispensary of your local hospital/ nursing home or Coolotala/ Mehata Building/ Bagree Market/ Garia Trade Centre and feel happy to do LP and proceed to reimbursement claim. The ECHS is not going to provide the same unless the MO exercises its discretionary power as a doctor to issue the same in writing in the prescription as required by the medical standards. Without any of the aforesaid items injection cannot exist because it causes infection and death. Why suffer in silence? Regards, Anirban Chakraborty (offspring and patient party)

14th June 2023: Col Goswami wrote: Nicely stated. I will follow the same from my next visit. **However I will rather prefer to go through LP by ECHS only as during my three years of retired experience I find very difficult to get the bill honoured. I have to forget a very large amount during the process.** Attention of OIC is requested to find a way to manage LP in advance accordingly.

**Evidence:** From the best to the worst performance

**First >** The claim of Dec 2020 of Rs. ---/- submitted by email on 28<sup>th</sup> Dec 2020 was approved on 18<sup>th</sup> Jan 2021 and credited to bank on 25<sup>th</sup> Jan 2021 (Claim ID -----).

**Second>** Quoting from my complaint dated 18<sup>th</sup> March 2022 being no. CPT/ACFSF/DESW/31 and PGPORTAL Docked no. DDESW/E/2022/00691:

The pending reimbursement claims of my father untouched by the Polyclinic Salt Lake are detailed as follows:

- 1) Application for waiver and reimbursement for the month Nov 2021 (urgent treatment) dated 15<sup>th</sup> Nov 2021 of amount Rs. 1,551/-
- 2) Reimbursement Claim for the month of December 2021 (NA medicines) dated 10<sup>th</sup> Jan 2022 of amount Rs. ---/-
- 3) Reimbursement Claim for the month of January 2022 (monthly medicines) dated 28<sup>th</sup> Jan 2022 of amount Rs. ---/-
- 4) Reimbursement Claim for the month of February 2022 (monthly medicines) dated 24<sup>th</sup> Feb 2022 of amount Rs. ---/-

**Total due is Rs. -----/-, which is more than my father's pension.**

Later the E.C.H.S. informed, "that due to non availability of clerical staff in PC Salt Lake, the claims in question could not be processed."<sup>24</sup>

Eventually it was credited to bank on 18<sup>th</sup> Apr 2022.

**Third>** I complained on 4<sup>th</sup> Dec 2021 for my father for the issue of long pending reimbursement-claims detailed as follows:

<u>Of Month</u>	<u>Amount</u>	<u>Submission dt. &amp; mode</u>
Aug 2021	Rs. ---/-	31 <sup>st</sup> Aug 2021 (email)
Oct 2021	Rs. ---/-	25 <sup>th</sup> Oct 2021 (email)

**Total due was Rs. ---/-, which was more than half of my father's pension, and eventually it was credited to bank on 14<sup>th</sup> Jan 2022.**

Later the E.C.H.S. informed:

*The claim id --- for Rs. ---/- has been approved on 11 Nov 21 and the claim id --- for Rs. ---/- has been approved on 06 Nov 21. Please contact the Director Regional Centre to ensure crediting of the amount in the approved claim.*<sup>25</sup>

**Fourth>** The claim of Oct 2020 of Rs. ---/- submitted by email on 21<sup>th</sup> Oct 2020 was approved on 17<sup>th</sup> Feb 2021 and credited to bank on 25<sup>th</sup> Feb 2021 (Claim ID -----).

**Fifth>** The claim of Sep 2019 of Rs. ---/- initially submitted by hand; **then original bill lost by the Polyclinic Salt Lake and the claim got suspended;** then after complaining<sup>26</sup>, submitted the claim by email on 3<sup>rd</sup> July 2020 and it was approved on 25<sup>th</sup> July 2020 and credited to bank on 31<sup>th</sup> July 2020 (Claim ID -----).

The beneficiaries and my parents are fishes of the same pond and have the same future, and what the administrators did by blocking the beneficiaries in the official Telegram group is nothing but poisoning the pond. In the official Telegram group, I used to empower the beneficiaries, know more about their suffering, and gather evidences for this hearing<sup>27</sup>. But the beneficiaries are

<sup>24</sup> RC Kolkata letter being no. 202771/CPGRAMS/Med dated 5<sup>th</sup> Apr 2022.

<sup>25</sup> Reply email of the Managing Director dated 5<sup>th</sup> Dec 2021.

<sup>26</sup> Complaint being no. CPT/GC/20200608/ECHSCO/190 dated 13th June 2020 filed by email, and PC's reply email dated 2<sup>nd</sup> July 2020. @ Diary No. 600872 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 30 & 34.

<sup>27</sup> @ Diary No. 600872 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 6 to 22.

now afraid more than ever before and have removed their likes from the Telegram group. The condition is so bad that other beneficiaries, to whom I talked to, said that in comparison to them, my father is in much better condition because I am fighting for my father. I requested them to be witnesses in this hearing but they are terrified because I have been harassed and personally targeted by the corrupted administrators. What Officer-in-Charge Lt Col Sanjoy Bhattacharyya is doing is proactively destroying every cause and reason that could allow the C.I.C. in knowing the pathetic condition of the beneficiaries and that of the health scheme, which is the larger public interest. Lt Col Sanjoy Bhattacharyya is preventing the C.I.C. from doing its duty, which is a criminal offence.

Moreover, a beneficiary can see the status of its reimbursement claim in the BPA's website; the respondents said in the RTI Reply<sup>28</sup> that **"the beneficiary is entitled to know only about its claim and not about the claim of other beneficiaries due to privacy and confidentiality issues"**; then, why in Telegram there is need to tell one beneficiary that reimbursement claims of other beneficiaries have been processed and uploaded in the BPA's website<sup>29</sup>:

Date 9<sup>th</sup> Dec 2023

**For info - NO CLAIM PENDING AS ON DATE.**

Mind the emphasis, i.e. the capital letters.

In fact, I am the only targeted audience because I am doing RTI Investigations against the respondents, and I am here in the Polyclinic Salt Lake to watchdog. That is why specifically this Polyclinic is being kept in tiptop condition, and only god knows about the condition of other polyclinics.

#### **Mukherjee - Sinha Case:**

In email dated 11<sup>th</sup> Apr 2022, I wrote to the then Managing Director:

*Brief:*

*My father, aged 59 years and an ECHS beneficiary, injured himself while doing some household work on 6th April 2022; the joint of the thumb of my father's left hand is being affected, on which my father applied Volini and hot compression. I suggested cold compression with an ice bag, on 7th April, as the pain in the joint has been still*

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<sup>28</sup> Under Secretary DESW Suman Sharma's letter no. 24(09)/2022-D(WE)/Res-1 dated 27<sup>th</sup> July 2022. @ Diary No. 600872 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 23.

<sup>29</sup> @ Diary No. 600872 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 24 to 29.

there. After that on my enquiry, lastly on 8th April, my father said that the pain has subsided.

Cause of action:

**But, on 9th April I accidentally found the painkiller ibuprofen on my father, and so I have given an earful to my father for not letting me know about the OTC painkiller - how could the DKD patient take the painkiller where the consultant nephrologist has strongly advised against.** Further I inspected the joint and found much swollen. ...

Consequence:

In the evening of the 9th April, on my persuasion, my father have got an X-ray done from our local medical facility (non-empanelled), report is due in today's morning, after taking an OPD appointment with local orthopaedic surgeon in today's morning.

In the morning of 11<sup>th</sup> Apr 2022, with the report of X-Ray my father preferred to visit on payment the local orthopaedic surgeon (OPD Clinic), more than visiting 1+1 hours away Salt Lake Polyclinic or 2+2 hours away Command Hospital (EC) by bus, with the unbearably painful, swollen, and unable thumb - the indispensable digit to hold things and secure own self to bus's handle. After seeing the X-Ray, the local orthopaedic surgeon diagnosed the thumb with osteoarthritis and prescribed painkiller.

The local orthopaedic surgeon did not treat well like once Ex-Medical Officer of the Polyclinic Dr. Sulagna Bagchi treated osteoarthritis of my father's knee. In the morning of the next day, i.e. 12<sup>th</sup> Apr 2022, I, therefore, emailed all report and prescription to Medical Officer Lt Col Dr. Sourav Sinha (Retired) at the Polyclinic Salt Lake, and requested second opinion - **at least to lessen the pain and to enable my father to travel to the Polyclinic** in over crowded bus full with Information Technology professionals and State Government officials destined beyond. My request for the second opinion through telemedicine was straightforward rejected and the doctor mandated personal appearance of my father in the Polyclinic.

Seeing my father suffering from disabling pain and in disgust, it was necessary to get the second opinion on payment from another orthopaedic surgeon of a non-empanelled Hospital in our locality in the evening of 12<sup>th</sup> Apr 2022; the orthopaedic surgeon prescribed some medicines, some medical tests, and physiotherapy. The medicines were effective.

Then I requested the then Managing Director C.O. E.C.H.S. to cause to refer my father to the nearest empanelled Hospital 15+15 minutes away by bus for further treatment under E.C.H.S. Pertinently, I was continuously informing the E.C.H.S. about developments and continuously emailing medical documents to maintain transparency. The then Managing Director heard my request and eventually the Polyclinic emailed me the letter<sup>30</sup> asking me to come and get the needful referral papers on behalf of my father.

In that letter, drafted by Lt Col Dr. Sourav Sinha (as admitted), it is written that:

*4. In view of the above, if your father is unable to come to polyclinic as stated by you, it is requested to send any representative of yours alongwith all relevant medical investigations documents and X-Ray plates and your fathers ECHS card for registration, doctor's assessment and generation of referral document.*

***5. Lastly, I would like to humbly state that it would be extremely unethical to ask the doctor to generate referrals for OPD consultation/Laboratory investigations for any patient without examining the patient and without card.***

Not only the then Officer-in-Charge of the Polyclinic Lt Col Vidyut Mukherjee (Retired) copy forwarded the "extremely unethical" letter to Station Cell ECHS HQ Bengal Sub Area with intention that action be taken against my father:

#### *SOP FOR DISCIPLINARY ACTION AGAINST ECHS MEMBERS<sup>31</sup>*

##### *Reporting and Investigation of Cases*

*4. Case of misuse/misconduct will be reported immediately to the concerned Stn. HQ by the Polyclinic and any other authority who has observed the misuse/misconduct. Actions to be taken at various levels are given in succeeding paras.*

*5. Action by OIC Polyclinic. Cases of misuse/misconduct will be reported immediately on occurrence by OIC Polyclinics to the concerned Stn HQ.*

[https://archive.org/details/@oligarchy\\_of\\_india](https://archive.org/details/@oligarchy_of_india)

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<sup>30</sup> E.C.H.S. Polyclinic Salt Lake letter being no. PC127/ECHS/Ex NK Gopal/Re imb/22 dated 16<sup>th</sup> Apr 2022. @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 42.

<sup>31</sup> Case No. B/49717-C/AG/ECHS dated 27<sup>th</sup> March 2008. @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 43 & 44.

But also on my arrival at the Polyclinic I has severely and mentally harassed by Lt Col Vidyut Mukherjee and more by Lt Col Dr. Sourav Sinha; I was humiliated for my writings to D.G.A.F.M.S. and other higher authorities; I was threatened for writing to the then Managing Director; I was made to feel ashamed for not following the E.C.H.S. policies; they demanded from me explanation why is it ethical getting my father referred without physical appearance of my father before the doctor. I was allowed to leave only after I promised that soon I will give explanation.

### **Explanation**

Lt Col Dr. Sourav Sinha failed to understand that thumb is indispensable digit to hold things; traveling to the Polyclinic in overly crowded bus holding its handle was impossible for my father having unbearably painful, swollen, and unable thumb. Lt Col Dr. Sourav Sinha failed to understand that, with miniscule amount of pension, the cost of ambulance is far greater than the cost of treatment locally availed; the E.C.H.S. would not reimburse the cost of ambulance for traveling to the Polyclinic, and that would be determinant to the worsening financial condition of my father in view of the pending reimbursement claims. My father should not be forced to do expenditure and labour beyond means and physical and mental capability for the performance of the policies of the E.C.H.S., which would prove more deadly than the disease itself.

Due to Science background Lt Col Dr. Sourav Sinha will be familiar to the following practice:

*To obtain a genuine mastery, the student must constantly subject **its** study to the self-criticism of definition: What does this word means?<sup>32</sup>*

Lt Col Dr. Sourav Sinha curtailed the reality from observation of the E.C.H.S. that it is impossible for a beneficiary to perform the rules of the E.C.H.S. with disabling pain, and so it is ethical to refer the beneficiary to the nearest empanelled hospital without the need of personal appearance of the beneficiary at the distant Polyclinic or far distant Command Hospital. Doing so, Lt Col Dr. Sourav Sinha strangled every reason the beneficiaries could provide for refinement of the E.C.H.S.

I would like to say in protest to "extremely unethical" letter that, seats reserved in public transport for a gender is not offered to every human being, and so is not a human right but is

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<sup>32</sup> Chemical Calculations, author Sidney W. Benson, 1958, Chapter: Measurement.

a mere privilege. There are conflicting reasons for why should humans deprive a person of facility enjoyable and why should the person be subjected to penalty and punishment for being a male over which it has no control, under section 162 of the Railways Act, 1989, (Entering carriage or other place reserved for females). Law has the force of sentiments of the common herd; law takes wisdom and folly of the common herd as well. Practice of certain laws or rules, therefore, could be compelling, spontaneous, or unresisting, but could be cruel and unethical, too. It needs to be enforced cautiously, which Lt Col Dr. Sourav Sinha failed miserably when the doctor drafted the "extremely unethical" letter.

I was right in my action, it was ethical, what is ethical is always ethical irrespective of rules otherwise our independence from British is unethical, and it is now legally accepted by the parent policy maker C.G.H.S.:

*Referral to empanelled hospitals for  
consultation/endorsement - regarding<sup>33</sup>*

*... In view of the representations, as referred to, this matter has been reviewed by this Ministry and it is now decided to issue the following guidelines in this regard:*

*i) Whenever there is a request for a referral for consultation/endorsement submitted through a representative by a CGHS beneficiary, where the beneficiary is not in a position to attend CGHS Wellness Centre physically, CGHS Medical Officer, based on the documents submitted, considers that the request is justified, may issue referral to CGHS empanelled hospital for consultation/endorsement, as the case may be, **without insisting on the physical presence of the concerned CGHS beneficiary.***

If you want to study law; then, study other subjects that make you human. If you want to study only law; then, study law like a criminal. Clearly, the E.C.H.S. doctors and the administrators have no understanding of that. They do not treat the beneficiaries like humans; rather they have made the E.C.H.S. devoid of flesh and blood, which is quite the opposite of what legislators had in mind. Don't you seen the larger public interest?

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<sup>33</sup> Directorate of CGHS Director Dr. Manoj Jain's letter no. Misc. 01/2023/DIR/CGHS dated 31<sup>st</sup> March 2023. @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 43 & 46.

## Mukherjee - Katoch Case:

(Continuing with the previous case.)

In protest to the "extremely unethical" letter and for proactively defending my father in case any action is initiated by the Station HQ, I filed complain<sup>34</sup> with the Station Commander Station HQ Bengal Sub Area against the then Officer-in-Charge Lt Col Vidyut Mukherjee, who signed the "extremely unethical" letter.

Lt Col Vidyut Mukherjee was told over telephone one day before visit to the polyclinic that my father was having fever and loose motion. To satisfy ego, on 24<sup>th</sup> May 2022, Lt Col Vidyut Mukherjee made my father to lose queue to Lt Col Dr. Sourav Sinha and forcibly made my father to sit in the room of the Officer-in-Charge and threatened to block the E.C.H.S. card of my father. My father was dehydrated and was not in position to resist and protest against the onslaught of mental abuses meted out by Lt Col Vidyut Mukherjee - the physical condition of my father was so poor that Lt Col Dr. Sourav Sinha immediately prescribed ORS.

Registering the complaint against Lt Col Vidyut Mukherjee the then Officer-in-Charge ECHS Cell HQ Bengal Sub Area Lt Col S.C. Katoch sent me email:

*4. The Stn Cdr is out of town and the matter will be put up to him on his return on 03 Jun 22. The complaint cannot be progressed without valuing comments of the accused. You have made a complaint in CPGRAMS and the system of docketing also exists there.*

*6. **Let me assure you that the organization is working as per protocols which are necessary to arrest the various frauds happening in the treatment process and particularly so when the protocols are breached with concerns of sympathetic reasons.***

*7. The Dir RC and the OICs polyclinics are all working diligently to the betterment of treatment process, despite all constraints of volumes of work with increasing clientele and decreasing staff. **Hope you understand their problems and not treat your problem in isolation as a prime concern for them.***<sup>35</sup>

[https://archive.org/details/@oligarchy\\_of\\_india](https://archive.org/details/@oligarchy_of_india)

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<sup>34</sup> Reference No. CPT/ACFSF/DESW/35 dated 19<sup>th</sup> May 2022 having PGPORTAL docket no. DDESW/E/2022/01287.

<sup>35</sup> The reply email of Lt Col S.C. Katoch dated 25<sup>th</sup> May 2022. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 15.

The above quoted statement of Lt Col S.C. Katoch has the effect to discourage the beneficiaries, who expect free and fair hearing for their complaints. It is contempt of Station Commander who I expected to be the adjudicating authority.

So, I filed criminal contempt petition<sup>36</sup> before the Station Commander Kolkata against Lt Col S.C. Katoch requesting detention and fine, u/s 12 of the Contempt Of Courts Act, 1971.

Both complaints were closed with the following replies:

CPGRAMS GRIEVANCE REGISTRATION NO: DDESW/E/2022/01287<sup>37</sup>

2. Your complaint has been examined by this office and the matter has been discussed with Stn Cell ECHS Kolkata and ECHS Polyclinic Salt Lake. The treatment process followed and advised to the applicant by OIC Salt Lake Polyclinic and Director, Regional Centre is as per protocols and procedures of ECHS. ...

CPGRAMS GRIEVANCE REGISTRATION NO: DDESW/E/2022/01379<sup>38</sup>

2. Your complaint has been examined by this office and the matter has been discussed with Stn Cell ECHS Kolkata and ECHS Polyclinic Salt Lake. No court of inquiry has been convened as the remarks of OIC ECHS has no malafide intent. Analysis of statement reveals that OIC ECHS has not made any statement of stated any intent which requires further action.

It is prejudice, it is hopelessness, it is abuse of position by one administrator in defence of another administrator, and it is corruption. The primary concern for the administrators is not the health of the beneficiaries, but satisfaction of their personal vendetta. The administrators have ruined the E.C.H.S., the health scheme is in danger and is at the verge of collapse.

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<sup>36</sup> Reference No. CPT/ACFSF/DESW/37 dated 28<sup>th</sup> May 2022 having PGPORTAL docket DDESW/E/2022/01379.

<sup>37</sup> Director Col P.R. Mohanty's letter no. 202771/CPGRAMS/Med(i) dated 5<sup>th</sup> July 2022. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 16.

<sup>38</sup> Director Col P.R. Mohanty's letter no. 202771/CPGRAMS/Med dated 5<sup>th</sup> July 2022. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 17.

## Sinha - Ray Case:

(Continuing with the previous case.)

My mother was suffering from food poisoning and was under treatment at home as per advice of ---- Hospital (non-empanelled, in locality), my father stayed at home for taking care of my mother. With Lt Col Vidyut Mukherjee's consent, therefore, my father sent me to the Polyclinic, on 22<sup>nd</sup> June 2022, to get the monthly medicines, the medicines that the empanelled Orthopedic surgeon prescribed to my father, and the papers for medical tests as sought by the specialists, and so I visited Lt Col Dr. Sourav Sinha.

I found Lt Col Dr. Sourav Sinha hostile and furious on me; the doctor was so busy in humiliating me that the doctor could not concentrate in its job and did not provide calcium tablets as prescribed by the empanelled Orthopedic surgeon. When the doctor denied another medicine, Celeract Advance, as prescribed by the empanelled Orthopedic surgeon I requested explanation twice or thrice. In response, the doctor said, **"I have no responsibility to give explanations and I give bullshit ..."** - I did not expect vulgar language from a gentleman and so my senses were frozen out of shock; but when I firmly stand on my demand for the explanation, the doctor replied that it is an ayurvedic medicine.

The doctor not only abused me verbally in vulgar language but also insulted my father by publicly saying to the other beneficiaries that **nobody else has ever got so much treatment that my father got in the last five years, and in spite of that I have jeopardized the entire E.C.H.S. system by complaining to D.G.A.F.M.S., the Prime Minister, and the President.**

Due to conduct unbecoming and intolerable and abusive behaviour of Lt Col Dr. Sourav Sinha, I filed complaint<sup>39</sup> for telling lies, as I never ever approached the Prime Minister or the President, for publicly describing my father as a disease, and for violating the privacy and confidentiality of a patient as per the regulation 2.2 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 framed under the provisions of the Indian Medical Council Act, 1956. I requested to Lt Col Vidyut Mukherjee to order Lt Col Dr. Sourav Sinha to maintain decorum of the Polyclinic.

As the result of which, for vengeance, on 25<sup>th</sup> July 2022 Lt Col Dr. Sourav Sinha abruptly did not issue six medicines for chronic diseases of my father that are ordinarily issued every month:

1. Esomeprazole (for GERD),
2. Cholecalciferol (for OA),
3. Hydroxy Propyl Methylcellulose Eye Drop (for NPDR),

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<sup>39</sup> Reference No. CPT/ACFSH/ECHSPSL/E4(127) dated 10<sup>th</sup> July 2022, having PGPORTAL DDESW/E/2022/01813.

4. Folic Acid and Heamatinic Tablet (for chronic anaemia),
5. Multi Vitamin, and
6. Theophylline (for COPD).

It was criminal negligence and much more, consequence of which my father was forced to visit the same doctor on 29<sup>th</sup> July 2022 **for the second time** in the same month, and **in the way to the Polyclinic my father have had a bus accident with head injury, bleeding from ear, shoulder injury, and hip injury; followed by emergency ICU Admission on 2<sup>nd</sup> Aug 2022.** The fact remains that one of the medicines that were denied by the doctor was prescribed by the pulmonologist before and again after the bus accident. The fact remains that Medical Officer Dr. Abhijit Chatterjee prescribed that six medicines after the bus accident.

My father was at home unwell, and to cause insult to injury, Jt. Director Regional Centre Lt Col S.K. Ray hurriedly replied to my complaint against Lt Col Dr. Sourav Sinha:

CPGRAMS GRIEVANCE REGISTRATION NO: DDESW/E/2022/01813<sup>40</sup>

2. Your complaint has been examined by this office and the matter has been discussed with Stn Cell ECHS Kolkata and ECHS Polyclinic Salt Lake. Brief outcomes of the case is as under:-

(a) Comments of the doctor on the complaint indicate that the medication prescribed by Dr Saurav Sinha is as per the requirement of the individual and protocol of ECHS treatment process. ...

(b) The balance of the charges in complaint appear delusionary since the polyclinic staff denies occurrence of any such incident. ...

(c) The complainant appears to not have adequate knowledge on the ECHS treatment process and protocols which are quite explanatory and straight forward. Hence the misunderstanding of complainant appears to have exhibited aggressive allegations.

With intention to sue Lt Col Dr. Sourav Sinha, I filed one RTI Application<sup>41</sup> for getting its Medical Registration Number; in the same Application I sought some other information not to unearth information new to my father and to me, but to confront the administrators who denied the facts, manipulated the facts, misrepresented and misinterpreted the facts, denied relief to my

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<sup>40</sup> Jt. Director RC Kolkata Lt Col S.K. Ray's letter no. 202771/CPGRAMS/Med dated 6<sup>th</sup> Aug 2022, received on the next day. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 10.

<sup>41</sup> DESW/R/E/22/00891 dated 11<sup>th</sup> Sep 2022.

father, and consequently caused the bus accident to happen.

It is not surprising that an accused will initially deny, as denial is part of the usual, at least initial, behavioural pattern of the accused. So without properly investigating the matter, documenting every element involved in inquiry, and without giving me an opportunity for hearing and cross-examination, in hurry due to the bus accident, the Regional Centre Kolkata not only acquitted Lt Col Dr. Sourav Sinha from all charges ex parte but also blamed me for exhibiting "aggressive allegations". In one reply to the RTI Investigation it is stated that:

RIGHT TO INFORMATION ACT-2005 IN R/O ANIRBAN CHAKRABORTY  
SON OF NK GOPAL CHAKRABORTY WITH REFERENCE NUMBER  
RTI/ACFSH/DESW/8AC(136) & REGISTRATION NUMBER  
DEXSW/R/E/22/0891 DATED 11 SEP 2022<sup>42</sup>

**(d) Part2, For Ser No 2(b). No such data is held as communication by Polyclinic Medical officer/Dental officer with ECHS beneficiaries is mostly verbal inside the doctors chamber.**

The fact that the then Director Col P. R. Mohanty knows that INFURIATES ME BEYOND WORDS. Had investigation been done properly Lt Col Dr. Sourav Sinha would have been reprimanded for its aggressive behaviour. Had the administrators taken prompt action on my complaint dated 10<sup>th</sup> July 2022 against Lt Col Dr. Sourav Sinha the bus accident could have been prevented. This is nothing but abuse of position by the administrators and corruption in favour of each other.

At this juncture I thought in Military there are thousands of Dr. Sinhas; if I drag Lt Col Dr. Sourav Sinha to court; then, what good will it do to all the beneficiaries. This is one instance of misunderstanding and ignorance of law on the part of the administrators that not only caused production of the "extremely unethical" letter but also caused bus accident of my father out of vengeance and corruption. There are many such instances occurring everyday hurting the helpless beneficiaries, who are suffering in silence and fear. Every day the health scheme is being ruined under boots of the abusive administrators. I, therefore, thought this can be cured only by bring to the knowledge of all beneficiaries and sensitisation of all administrators with the judgements and orders of courts, tribunals, fora, commissions, information commissions, and the like, which are meant to guide the nation. With this larger

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<sup>42</sup> RTI Reply, Col P.R. Mohanty's letter dated 10<sup>th</sup> Oct 2022. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 11.

public interest, I for the first time filed complaint<sup>43</sup> requesting such publication in the websites of the E.C.H.S. and the D.E.S.W., u/s 4 of the RTI Act, and I got the reply:

RIGHT TO INFORMATION ACT 2005 IN R/O SHRI ANIRBAN  
CHAKRABORTY<sup>44</sup>

2 (a) Part 2, For Ser No 2(c). The information sought by RTI applicant is of fiduciary nature as it pertains to the legal matter and would impede further legal / investigation proceedings and thus denied to the applicant as exempted under Sec 8(1)(e) and Sec 8(1)(h) of RTI Act 2005.

And after I vehemently protested about the fiduciary relationship, by email<sup>45</sup>, I got the reply:

CPGRAMS REGN NO MODEF/E/2022/05302 IN R/O SHRI ANIRBAN  
CAHKRABORTY<sup>46</sup>

2. It is intimated that the issues related to certain matters that are not taken up for redressal on CPGRAMS and the same has been mentioned in the CPGRAMS portal are as follows:-

(c) RTI matters.

Clearly, the administrators have no intention to care for the beneficiaries, they do not see what improvement can be done for the beneficiaries; they only see how to dominate the beneficiaries, and the administrator centric policies are built by them in such way. Rather, It should be beneficiaries centric, and so I proceeded to file RTI Online Application DEXSW/R/E/23/00075 dated 23<sup>rd</sup> January 2023 (the **Education & Empowerment Case**).

And yes one more thing, as the administrators have already admitted that they have fiduciary relationship with anybody acting as the adjudicating authority in the Military, they are habituated of seeing the adjudicating authority keeping the interest and safety of the administrators no matter if it requires manipulation of the entire system and corruption to give biased decision against the beneficiaries.

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<sup>43</sup> Reference No. RTIP/ACFSH/DESW/8AE(13A) dated 5<sup>th</sup> Oct 2022 having PGPORTAL MODEF/E/2022/05302.

<sup>44</sup> C.O. E.C.H.S. Jt. Director Lt Col Deepak Bhatt's letter dated 12<sup>th</sup> Oct 2022 no. B/49714-RIT/AG/ECHS. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 13.

<sup>45</sup> My email dated 14<sup>th</sup> Oct 2022 sent to all concerned. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 14.

<sup>46</sup> C.O. E.C.H.S. Jt. Director Lt Col Deepak Bhatt's letter dated 4<sup>th</sup> Nov 2022 no. B/49717-CPGRAMS/AG/ECHS. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 18.

### **Panda is a bad father case:**

With intention to sue Lt Col Dr. Sourav Sinha, I filed one RTI Application<sup>47</sup> for getting its Medical Registration Number and the name of the Medical Council where registered. C.P.I.O. Nanda Kishore Panda, denied my request on the ground that such information of doctors is 3rd party information and so it cannot be given<sup>48</sup>. In response<sup>49</sup>, I warned the administrators that publishing such information about doctors is mandatory:

*Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002---*

*1.4 Display of registration numbers:*

*1.4.1 Every physician shall display the registration number accorded to him by the State Medical Council / Medical Council of India in his clinic and in all his prescriptions, certificates, money receipts given to his patients.*

So I chided the CPIO by saying that N.K. Panda is a bad father who takes its child to unverified doctors. See such egoistic and ignorant administrators have botched the health scheme; see such administrators are strangulating the health scheme day by day. **The Education & Empowerment Case derives its importance also from such administrators who are threat to the larger public interest.**

### **Deepak Kumar Case:**

I could have dragged them to Court, but decided to teach these kind of administrators a lesson in the gentlest way by making the E.C.H.S. acknowledge the wrong that happened to my father and that by requesting sanction for reimbursement cum compensation for the expenditure for treatment of thumb, after doing inquiry in to the alleged wrongs. The then Director Regional Centre Kolkata refused to acknowledge the wrongs without doing inquiry and demanded an Emergency Certificate<sup>50</sup>; so I filed an appeal<sup>51</sup> with the Director Medical C.O. E.C.H.S., Col A.C. Nishil; due to vague reply, I again filed appeal with Col A.C. Nishil<sup>52</sup>.

Col A.C. Nishil appeared very late with the following decision letter not in respect of my father, Nk Gopal Chakraborty (Retired), but in respect of a stranger namely Deepak Kumar:

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<sup>47</sup> DEXSW/R/E/22/00891 dated 11<sup>th</sup> Sep 2022.

<sup>48</sup> Nanda Kishore Panda's letter dt. 20<sup>th</sup> Sep 2022 no. MoD ID. No. 24(09)/2022-D(WE/Res-1). @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 6.

<sup>49</sup> My email dated 24<sup>th</sup> Sep 2022. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 8.

<sup>50</sup> Director Col P.R. Mohanty's email dt. 27<sup>th</sup> June 2022. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2.

<sup>51</sup> PGPORTAL DDESW/E/2022/02600 dated 9<sup>th</sup> Oct 2022.

<sup>52</sup> PGPORTAL DDESW/E/2023/0000058 dated 7<sup>th</sup> Jan 2023.

**Shri Anirban Chakraborty<sup>53</sup>**

2 No. Motilal Colony,  
Rajbari Colony  
Kolkata-700081,  
(West Bengal)

CPGRAMS REGN NUMBER DDESW/E/2023/0000058

**IN R/O SHRI DEEPAK KUMAR**

1. Ref your CPGRAMS Regn No DDESW/E/2023/0000058 dt 07/07/2023.

2. It is intimated that you have already been replied through appropriate channels. Emergency Certificate is mandatory requirement for processing of your claim for payment.

(Signed-illegible)

Col

Dir (Med)

For MD ECHS

Pertinently, I wrote about this incident in one RTI Investigation<sup>54</sup> seeking certified copy of the decision letter about my father:

It is assumed that the Director Medical C.O. E.C.H.S. committed a bona fide mistake by gross negligence. When bona fide mistake, however, becomes chronic and negligence becomes the second nature of the administrators, so that it freely runs down through hierarchy; then, the lower rung take it as permission to misbehave, to deceive, to manipulate the system, to play ranks, and to deny service, which in toto amounts to deficiency in service. They must be reprimanded for their actions unbecoming to the service in the Indian Military, as the Military fights for them who cannot defend themselves; they must be censored severely and removed from their positions for their actions highly dangerous to the interest of the aged, alone, abandoned, diseased, and retired soldiers and their dependents.

Even Deputy Director DESW and CPIO, Nanda Kishore Panda, could not tolerate the blunder committed by Col A.C. Nishil, and so requested the present Managing Director of the C.O. E.C.H.S. to

<sup>53</sup> Col A.C. Nishil's letter dated 22<sup>nd</sup> May 2023 no. nil. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 3.

<sup>54</sup> RTI Online DEXSW/R/E/23/00678 dated 11<sup>th</sup> June 2023.

take "necessary action, as deemed fit" in the section 6(3) RTI Transfer letter<sup>55</sup> to the C.P.I.O. ADG (AE) RTI Cell dated 27<sup>th</sup> June 2023, which was copy forwarded to the Managing Director. But Col A.C. Nishil is so influential that the Managing Director has not taken any action, yet.

In the RTI Reply<sup>56</sup>, the certified copy of the decision letter has been not provided, as it does not exist, but someone from the C.O. E.C.H.S. has made the following marking:

-----> (f) Those misutilising the provision be it ECHS beneficiaries/empanelled hospitals will be strongly penalised.

**Impression made: The C.O. E.C.H.S. has threatened me by making the bold arrow mark making an impression that if I escalate the matter against Col A.C. Nishil; then my father will face bitter consequences and more pain than what Lt Col Dr. Sourav Sinha did before to my father.** Col A.C. Nishil has done no bona fide mistake in writing just a half page letter in the Deepak Kumar case. If it is a mistake; then, I would not have being threatened this way.

**It is quite apparent that Col A.C. Nishil read the appeal not for once, leave alone giving heed to it; that is why the individual did not know my father's name.** It is crystal clear that the administrators have the habit of not going through the appeals of the beneficiaries and they mechanically reject the same without ever stating reasons in details. It is therefore **proved** that such chronic mistake in the highest part of the Government not only encourages lower rung administrators to harbor the habit to act dishonestly, incompetently, maliciously, negligently, and with partiality, but also cause deficiency in service and ruin the welfare scheme of the Government. The larger public interest is in danger.

#### **Sinha - Sirohi Case:**

When something is granted, that is also granted without which the thing granted cannot exist. The beneficiaries taking daily insulin injections are sometimes given needles and cotton whenever available, but the beneficiaries are not prescribed by the polyclinics' doctors spirit, cotton, and needles in their computer prescriptions. I am very much proactive and vocal in safeguarding the interest of my parents; that is why the polyclinic doctors do prescribe needle, spirit, and cotton to my insulin dependent diabetic father. But it is not the same for

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<sup>55</sup> DoESW ID No: 24(03)/2023/WE/D(Res-I) dated 27<sup>th</sup> June 2023. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 8.

<sup>56</sup> ADG AE RTI Cell, RTI Reply no. A/810027/RTI/OL\_80709 dated 27<sup>th</sup> July 2023. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 4 to 7.

other beneficiaries; the respondents cannot produce computer prescriptions of several beneficiaries as evidence to prove that in past and in present the beneficiaries are being prescribed needle, spirit, and cotton by the polyclinics' doctors. In fact, the administrators of the ECHS force the polyclinics' doctors to act in violation of medical literature, which could subject the contractual doctors to litigations in State Medical Councils.

On 25<sup>th</sup> Apr 2023 a staff of the polyclinic refused to take reimbursement claim documents of my father for the reason that reimbursement of the cost of spirit was claimed, it was marked as Not Available in computer prescription, the documents were submitted on the intervention of a senior clerk, but I was instructed to email sanction letter in this respect. Where the polyclinic doctor has prescribed spirit to my father, the ECHS is bound to provide the same to my father, I will produce no sanction letter to deject and undermine the discretionary power of the doctor. I thought, from where is the E.C.H.S. getting motivation to discourage proper sterilisation before administering injections, I thought it must be the Senior Executive Medical Officers of the Command Hospitals putting lives of the beneficiaries in grave danger - SEMOs do procure medicines for the E.C.H.S. That is why I not only initiated RTI Investigation<sup>57</sup> inquiring about purchase and consumption of spirit before, during, and after Corona, but also I reported the matter to the Comptroller and Auditor General of India and to the R.C. and C.O. ECHS, by email<sup>58</sup>.

Then on the day of visit to the Polyclinic Salt Lake, 25<sup>th</sup> May 2023, in the room of Dr. Sulagna Bagchi, Lt Col Dr. Sourav Sinha and Lt Col Sanjoy Bhattacharyya were present. In front of us, Lt Col Dr. Sourav Sinha made a telephonic conversation with the CPIO cum SEMO of the Command Hospital (E.C.) namely Deputy Commandant Brigadier Y.S. Sirohi. On the verbal order of Brigadier Y.S. Sirohi, they forced my father and me to meet Brigadier Y.S. Sirohi on the pretext of visiting Medical Specialist for review of my father's prescription, and **we were strictly told that no medicine will be further issued from the Polyclinic, unless we visit these two persons in the Command Hospital.** So for strict compliance, Lt Col Dr. Sourav Sinha in its own handwriting wrote in my father's prescription notebook the name of Brigadier Y.S. Sirohi<sup>59</sup>. The fact that not all but most of the prescriptions of my father were new and that the reason for visiting the CPIO was not told to us, which made me suspicious about their real intention where I have been already defamed by the Indian Military; that is why we went to one empanelled State Government Hospital and got the prescriptions reviewed.

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<sup>57</sup> RTI Application DEXSW/R/E/23/00473 dated 30<sup>th</sup> Apr 2023.

<sup>58</sup> My email dated 1<sup>st</sup> May 2023. @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 18.

<sup>59</sup> Prescription notebook dated 25<sup>th</sup> May 2023. @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 19.

The administrators have denied the information sought about purchase and consumption of spirit. I, therefore, thought that before filing the RTI First Appeal, I should do a follow up RTI Investigation<sup>60</sup> inquiring about the reason why we were threatened to visit Brigadier Y.S. Sirohi.

**Analysis of the RTI Reply received:**

3. ... The SEMO advised to report to him by the patient before going to a specialist for better management/treatment.<sup>61 62</sup>

The Polyclinic has stated that for "better management/arrangement" we were asked to visit Brigadier Y.S. Sirohi. So, for better treatment of how many beneficiaries does Lt Col Dr. Sourav Sinha make phone calls directly to the Command Hospital and is it under Standard Operating Procedures? Is my father a VVIP for which the Command Hospital needs to make "better management/arrangement"?

In fact, Lt Col Dr. Sourav Sinha's extension of appointment in the E.C.H.S. is subjected to satisfactory performance as determined by the board of members of which one is the CPIO cum SEMO, Brigadier Y.S. Sirohi. Given the serious complaints against Lt Col Dr. Sourav Sinha as already stated, it is always necessary for Lt Col Dr. Sourav Sinha to please the board of members at the cost of the lives of the beneficiaries.

**Majee - Sirohi Case:**

(Continue with the previous case.)

One thing is very much clear that there must be some anomalies in respect of purchase and consumption of spirit in Command Hospital (EC), which the administrators are hiding. On 25<sup>th</sup> Apr 2023, in the dispensary of the Polyclinic Salt Lake when requested for daily injection some spirit be given in an empty container, a staff said that after the pandemic a little spirit/hand sanitizer is provided to the Polyclinic, but now spirit/hand sanitizer is unavailable in stock of the dispensary.

The CPIO cum SEMO Brigadier Y.S. Sirohi desperately needed to frighten us so that I give up my RTI Investigation about spirit. Having failed to frighten us, CPIO HQ Bengal Sub Area Col Sudip

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<sup>60</sup> RTI Application DEXSW/R/E/23/00787 dated 11<sup>th</sup> July 2023.

<sup>61</sup> Lt Col Sanjoy Bhattacharyya's letter dated 7<sup>th</sup> Nov 2023 no. PC127/ECHS/Ex NK Gopal/23 + Col Sudip Majee's letter dated 15<sup>th</sup> Nov 2023 no. 001080/RTI/Anirban Chakraborty/Edn(i). @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 20 & 21.

<sup>62</sup> Col Sudip Majee's letter dated 12<sup>th</sup> Dec 2023 no. 001080/RTI/Anirban Chakraborty/Edn. @ Diary No. 600875 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 22.

Majee denied the information sought with the excuse "very verbose"<sup>63</sup>. The fact is every person who is frightened of adverse action for doing wrong to others take shelter of a stronger person who abuses its position not only to manipulate the system but also to prevent the Law from taking a firm course. It is, therefore, usual that denial is the first reaction of the accused and evasion is disguised as "very verbose".

**CPIO Col Sudip Majee is maliciously acting and manipulating everybody.** In Mohanty - Katoch Case (detailed later) the First Appellate Authority Brigadier R.K. Singh from HQ Bengal Sub Area claimed that my writing is "very verbose"<sup>64</sup> citing letter no. and date that totally matches only with the "very verbose" reply to my RTI Investigation about spirit. On receipt of the letters, I initiated a follow-up RTI Investigation<sup>65</sup> against Brigadier R.K. Singh and registry posted a copy to the individual. My assumption that Col Sudip Majee is doing corruption for saving Lt Col S.C. Katoch is strengthened by the fact that onus of rectification was put on Col Sudip Majee<sup>66</sup>.

#### **Mohanti - Mukherjee Case:**

On 25<sup>th</sup> July 2022 the Polyclinic gave to my father a strip of diabetes medicine that was marked with a very deep cut that exposed one tablet to environmental contamination for many days, and my father blindly brought that to home. I filled complaint<sup>67</sup> against that, and in reply the then Director Regional Centre Kolkata, Col Pratap Ranjan Mohanti, replied that:

*CPGRAMS GRIEVANCE REGISTRATION NO: MODEF/E/2022/03821*<sup>68</sup>

*2. Your complaint has been examined by this office and the matter has been discussed with Stn Cell ECHS Kolkata and*

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<sup>63</sup> HQ Bengal Sub Area PIO Col Sudip Majee's letter 001080/RTI/Anirban Chakraborty/Edn dated 26<sup>th</sup> June 2023. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 10.

<sup>64</sup> Brigadier R.K. Singh's order dated 31<sup>st</sup> Oct 2023 no. 001080/RTI/Anirban Chakraborty/Edn + Col Sudip Majee's letter dated 1<sup>st</sup> Nov 2023 no. 001080/RTI/Anirban Chakraborty/Edn. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 11 & 12.

<sup>65</sup> DEXSW/R/E/23/01253 dated 11<sup>th</sup> Nov 2023 and Reg. Post to Bri. Singh RW120177472IN **and** Reg. Post to NK Panda RW120177490IN. @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 84.

<sup>66</sup> Col Sudip Majee's letter dated 11<sup>th</sup> Dec 2023 no. 001080/RTI/Anirban Chakraborty/Edn. @ Diary No. 600876 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 13.

<sup>67</sup> PGPORTAL MODEF/E/2022/03821 dated 27th July 2022.

<sup>68</sup> Col P.R. Mohanty's letter dated 22<sup>nd</sup> Aug 2022 no. 202771/CPGRAMS/Med. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2.

ECHS Polyclinic Salt Lake. Brief outcome of the case is as under:-

(a) Cut Strips of Medicine provided by ECHS Polyclinic Salt Lake to be replaced.

(i) All expensive medicines strips are cut by the issuing medical stores during bulk issue to avoid further misuse of same. It is not possible for the polyclinic to check each and every tablet during collection of bulk stores. **The OIC polyclinic confirms to have cleared this aspect to the patient / patient accomplice at the time of issue of medicines in person.**

With the view that:

- 1) Only for the sake of argument, let us believe that the Officer-in-Charge explained the policy of cutting expensive medicine strips to me (or to my father). The casual conversation between the Officer-in-Charge and me is not akin to information as defined in the RTI Act and is not supposed to be duly maintained in official records.
- 2) When the Regional Centre Kolkata in its reply letter for the PGPORTAL complaint, however, relies on such casual conversation and puts its signature on the reply letter, the Regional Center Kolkata bears responsibility for authenticity of the contents of the reply letter and the casual conversation so referred. Doing so requires on the part of the Regional Centre Kolkata proper documentation of every element involved in resolution of the complaint, and it is definitely not on its sweet will. This opens door to the complainant, who is disappointed, feels cheated, and is aggrieved by such reply, to seek relevant information under the RTI Act, 2005.

I asked in my RTI Investigation<sup>69</sup> against the then Officer-in-Charge of the Polyclinic, Lt Col Viduth Mukherjee:

4) Provide the following information in respect of the letter of **Regional Centre Kolkata being no. 202771/CPGRAMS/Med dated 22<sup>nd</sup> Aug 2022:**

a) On **what date** "The OIC polyclinic **confirms** to have cleared this aspect to the patient/ patient accomplice at the time of issue of medicines in person"?

In RTI reply, the then OIC ECHS Cell Bengal Sub Area Lt Col S.C. Katoch stated that:

4. Part 4.

(a) On the day when Mr Anirban Chakraborty, Son of Naik (Retired) Gopal Chakraborty visited ECHS polyclinic Salt

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<sup>69</sup> RTI Application DEXSW/R/E/22/00891 dated 11<sup>th</sup> Sept 2022. @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 1,7.

*Lake for collection of monthly medicine of his father i.e. 22 Jun 2022.*<sup>70</sup>

To ascertain truth of the statements of Col P.R. Mohanty and Lt Col Vidyut Mukherjee (Retired), they must be subject to the following questions:

- On what occasion or for what reason the Officer-in-Charge of the Polyclinic Salt Lake Lt Col Vidyut Mukherjee had to do such explanation to me?
- Why the same is not mentioned in the reply of Col P.R. Mohanty – the individual must have had thoroughly enquired the matter.
- Where Lt Col Vidyut Mukherjee confirmed to have personally “cleared this aspect to the **patient/ patient accomplice**”; then, why there is so much uncertainty in respect of to whom Col Vidyut Mukherjee had “cleared this aspect”?

No sane person would ever knowingly accept damaged medicine. There was no occasion or reason for why Lt Col Vidyut Mukherjee had to do such explanation to me. To desperately support one lie, another false statement has been made, in the RTI Reply: that the Officer-in-Charge personally “confirms” to have had explained the policy of cutting expensive medicine strips on 22nd June 2022 – almost one month before the date, 25th July 2022, on which the damaged medicine was issued directly to my father! The effect precedes the cause! So in the RTI First appeal<sup>71</sup> I stated:

*I have **no requisition** as far as the query Part 4 S.No. 4(a) is concerned. **To support one lie, the false and misleading RTI reply as given is irremediable.** Lt Col Vidyut Mukherjee, Col PR Mohanty, the Officer-in-Charge E.C.H.S. Bengal Area HQ Kolkata, and the C.P.I.O. will face disciplinary action 20(2) of the RTI Act, 2005.*

Hence, it is proved that such administrators do have the habit to act incompetently, negligently, dishonestly, maliciously, and with partiality. These administrators have ruined the health scheme of the Government and caused deficiency in service. The administrators of the ECHS are untrustworthy, they are dangerous to the beneficiaries, they treat beneficiaries like what rat is to snake, and they are damn liars.

P.T.O.

[https://archive.org/details/@oligarchy\\_of\\_india](https://archive.org/details/@oligarchy_of_india)

<sup>70</sup> Lt Col S.C. Katoch's letter dated 12<sup>th</sup> Oct 2022 no. 103/8/Gen/50/RTI. @ Diary No. 600877 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 4.

<sup>71</sup> RTI First Appeal Reference No.: RTIA/ACFSH/DESW/8B2(136) dated 10<sup>th</sup> Nov 2022.

### **Katoch - Mohanty Case:**

(Continuing with the previous case.)

The administrators of the E.C.H.S. are indifferent and unfaithful to the aged, alone, and helpless beneficiaries living in their sunset years, who are ignorant of law. My RTI Application DEXSW/R/E/22/00891 was meant to do an investigation in this regard; the limited RTI Reply was sufficient to expose some of the accused administrators; doing so, I filed the First Appeal<sup>72</sup> to complete the investigation and to expose the remaining accused E.C.H.S.'s officials. My investigation was a source of danger to many of them. So, to stop me from filing new RTI Applications and to discourage me from continuing the RTI Applications already filed in the interest of all the beneficiaries, on 2<sup>nd</sup> Dec 2022 the then Officer-in-Charge Station Cell E.C.H.S. HQ Bengal Sub Area, **Lt Col S.C. Katoch**, filed the comment<sup>73</sup>, as asked<sup>74</sup> by Nanda Kishore Panda:

*SUBJECT: COMMENTS ON RTI APPEAL OF MR ANIRBAN CHAKRABORTY*

...

*14. The information sought under RTI or raised in a series of CPGRAM Complaints and other domains are constructed by his son Mr Anirban Chakraborty (patient part as put in) to mislead the attention of the hierarchy and probably subdue to the desired personal warranted favours of the applicant. **The applicant has giving verbal threats to the employees of Polyclinic at Salt Lake in this regards. ... It is requested that appropriate listing of applicant be done to allow the organization to work efficiently.***

The comment against me asking higher authorities to blacklist me has been filed without giving me an opportunity to hearing. Criminal Lt Col S.C. Katoch, criminal Col Pratap Ranjan Mohanty, criminal Lt Col Vidyut Mukherjee (Retired), and others are so desperate to save themselves that they undermined the higher authorities' power to adjudicate, and they proceeded to recommend what action must be taken against me. The nature of the comment is so scandalous and defamatory that I could not accompany my aged father to the Polyclinic for months. Later, on the order<sup>75</sup> of the then Managing Director C.O. E.C.H.S. a meeting<sup>76</sup> was held for 3 hours in Fort William Calcutta; consequently I was declared

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<sup>72</sup> RTI First Appeal Reference No.: RTIA/ACFSH/DESW/8B2(136) dated 10<sup>th</sup> Nov 2022.

<sup>73</sup> Lt Col S.C. Katoch's letter being no. 103/8/Gen/50/RTI dated 2<sup>nd</sup> Dec 2022. @ Diary No. 600871 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 2.

<sup>74</sup> Nanda Kishore Panda's letter dated 17<sup>th</sup> Nov 2022 no. 24(09)/2022-D(WE/Res-1). @ Diary No. 600871 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 3, 4.

<sup>75</sup> SM Maj Gen NR Indurkar's email dated 14<sup>th</sup> Jan 2023. @ Diary No. 600871 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 5.

<sup>76</sup> Two emails dated 17<sup>th</sup> Jan 2023. @ Diary No. 600871 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 6 to 9.

not guilty and the then Director Regional Centre Kolkata informed that in email:

1. Ref the trail mail to MD ECHS.

2. You have to understand certain norms and policies of ECHS. You cannot write mails directly to MD ECHS for wanting to visit the PC. Neither the MD nor myself are here to fix appointments for you as it is not required at all. You are free to accompany your father to the PC Salt Lake anytime. No one is stopping you. Thats the first thing. **Secondly, there is no complaint/inquiry against you, which you are referring to, as per the letter from Stn Hq Kolkata. As there is no complaint so there is no requirement to withdraw an non existent one.** <sup>77</sup>

That is insufficient for me, so I filed one RTI Application<sup>78</sup> and follow-up RTI Application<sup>79</sup> and sought all records and written complaints as well as recorded oral statements based on which Lt Col S.C. Katoch defamed me. In reply they said:

RTI Query

Question 1) Provide certified copies of the written complaints against me filed by the employees or officials currently working or had previously worked at the E.C.H.S. Polyclinic Salt Lake, based on which Lt Col S.C. Katoch brought allegations against me in the paragraph number 14 of the individual's letter dated 2nd Dec 2022 being no. 103/8/Gen/50/RTI (supra) (hereinafter referred as the said complaints). If the said complaints do not exist; then kindly reply accordingly.

RTI Reply

**Reply to Question 1. Data in 'desired format' does not exist.** <sup>80</sup>

RTI Query

5) I am neither a mentally or physically challenged person nor a healthy unmarried female or widow dependent on my

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<sup>77</sup> Col P.R. Mohanty's email dated 21<sup>st</sup> Jan 2023. @ Diary No. 600871 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 10.

<sup>78</sup> DEXSW/R/E/23/00071 dated 22<sup>nd</sup> Jan 2023, transfer ECHSD/R/T/23/00004 dated 23<sup>rd</sup> Jan 2023. @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 11.

<sup>79</sup> DEXSW/R/E/23/00418 and the First Appeal DEXSW/A/E/23/00080. @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 14.

<sup>80</sup> Col Sudip Majee's RTI Reply dated 16<sup>th</sup> March 2023 no. 001080/RTI/Anirban Chakraborty/Edn. @ Diary No. 600871 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 11.

parents; I am personally, therefore, not a liability to anyone & certainly NOT A BURDEN on the E.C.H.S. in any way.

I DEMAND Lt Col S.C. Katoch to give in writing with its signature in blue ink (and the PIO will mandatorily counter sign it with date in blue ink) in response to the question that **what "personal warranted favours" I have ever wanted from the E.C.H.S. that Lt Col S.C. Katoch had information of while writing its complaint dated 2<sup>nd</sup> Dec 2022 being no. 103/8/Gen/50/RTI and will divulge the source of information with the names of the informants/complainants.**

RTI Reply

5. It is submitted that there has been no such complaint ever registered by Lt Col SC Katoch, the then OIC ECHS, Stn Cell Kolkata to any higher authorities against Shri Anirban Chakraborty. Hence, no such information or documentary proof exist with the Stn Cell (ECHS) as asked by the complainant.

The letter written by Lt Col SC Katoch then OIC ECHS, Stn Cell Kolkata in question which Shri Anirban Chakraborty is referring to time and again in the RTI application was merely a para wise reply of his previous RTI application and not a written complaint against Shri Anirban Chakraborty. Also, no cognizance has ever been taken by higher authorities based on the reply. Hence, no documentary or verbal information is available with Stn Cell (ECHS). <sup>81</sup>

RTI Query

6) Provide the names of the past or present employees/officials of the E.C.H.S. Polyclinic Salt Lake who filed the said complaints against me.

RTI Reply

Query no. 6 No complaint filed by past/present employees of ECHS Polyclinic, Salt Lake.

P.T.O.

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<sup>81</sup> Col Sudip Majee's RTI Reply dated 13<sup>th</sup> Dec 2023 no. 001080/RTI/Anirban Chakraborty/Edn. @ Diary No. 600871 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 12, 14.

### **Complaint to the C.I.C.:**

Only Dr. P.P. Sharma made me aware of and nobody else about such false accusation made at my back and about the conspiracy. The administrators are subjecting me to cruelty, defamation, and harassment just because I raise voice for the aged and ignorant beneficiaries, just because I raise voice against these corrupted administrators, just because I raise voice in protection of the health scheme on which lives of the beneficiaries and that of my parents are dependent. In India doing good in public interest is not welcomed by the Government, I feel humiliated and threatened. No, not only me, all beneficiaries are afraid after their right to freedom of speech and expression<sup>82</sup> in protecting their service condition has been violated by putting restriction on them in the official group in Telegram app. Attack on me is attack on all the beneficiaries, it is crime against nation, it is mutiny. I am neither a handicap son nor a healthy dependent daughter, I am independent and certainly not a burden on the E.C.H.S., but my non-entitlement to the E.C.H.S. has truly become a weapon in the hands of these corrupted administrators. Bringing false, scandalous, and defamatory allegations against a son at its back is insult to any beneficiary father. The only message that they have given to the entire nation is that all Ex-servicemen fathers need to murder their sons to become respected E.C.H.S. beneficiaries. Now I feel devastated, I feel violated, I do not like India anymore, my happy memories of my childhood in the Military environment is ruined. **RESPECTED C.I.C. IF THE LAW HAS GIVEN YOU TEETH; THEN, BITE THEM, IT IS YOUR DUTY TO PROTECT RTI INVESTIGATORS FROM SUCH CORRUPTED ADMINISTRATORS AND FROM SUCH CRIMINALS.**

The entire fleet of these administrators is pressurising D.E.S.W. and other offices of the Army to suppress my very long pending RTI Applications:

#### **Investigation No.1:**

Investigation in to threatening the RTI Applicant in writing in enclosure of the ADG (AE) RTI Cell's Letter...

**DEXSW/R/E/23/01118 dated 2<sup>nd</sup> Oct 2023.<sup>83</sup>**

RTI First Appeal No. RTIFA/AC5A/AGBIHQ/3(1A) dated 28<sup>th</sup> Nov 2023 Registry Post RW120177565IN to Provost Martial<sup>84</sup>.

#### **Investigation No.2:**

Suo moto publication of merit lists ...

**DEXSW/R/E/23/01238 dated 6<sup>th</sup> Nov 2023.<sup>85</sup>**

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<sup>82</sup> Article 19(a) of the Constitution of India.

<sup>83</sup> @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 53.

<sup>84</sup> @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 61.

<sup>85</sup> @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 97.

### Investigation No.3:

Investigation in the matter of Brigadier R.K. Singh HQ Bengal Sub Area...

**DEXSW/R/E/23/01253 dated 11<sup>th</sup> Nov 2023.<sup>86</sup>**

Registry Posted to N.K. Panda on 16<sup>th</sup> Nov 2023 No. RW120177490IN because softcopy uploaded in the RTIOnline website is found damaged. Ref. No. RTI/AC5A/DESW/1(20) dated 11<sup>th</sup> Nov 2023 and even dated 16<sup>th</sup> Nov 2023.

Nowadays none of my requests are entertained by the public authority and are left untouched forever. I suspect that the administrators of the C.O. E.C.H.S. including the Director Complaints & Litigations are involved.

#### **The Larger Public Interest in Order of Reimbursement Case:**

Medical Science is constantly shifting with research and developments, and so are medicines and consumables; thus, the debt-laden E.C.H.S. is very unlikely to keep up pace with such changes in the fast lane:

*2. Both the claims have been passed but are awaiting for settlement **due to lack of Funds** for Settlement. You shall receive the amount in your bank once we settle it as and when funds are available. This might take some time, probably by next month. We apologize for the delay.<sup>87</sup>*

Hence, even under normal circumstances, it is imperative in the best interest of the beneficiaries that access to the open market, beyond authorised local chemists, is provided to compensate the beneficiaries for the deficiency in service. Reimbursement-claims of the beneficiaries are, therefore, an integral part of the health scheme.

Now, processing of individual reimbursement claims for the purchase of medicines and consumables, NA or otherwise, preferred by the beneficiaries of the E.C.H.S. is done online, which would hardly arouse suspicion. Once claim documents are, however, submitted in the polyclinic, **out of several reimbursement-claims of the beneficiaries**, the order in which one picked, processed, and uploaded **in the website of bill processing agency by the clerks of the polyclinics** is quite opaque. It is further worsened by reluctance of the polyclinic to duly acknowledge the receipt of the claim documents, which varies from one O.I.C. to another; even there is no written order of the C.O. E.C.H.S. in this respect. Even sometimes, the processing never starts because the original bills are lost by the polyclinic<sup>88 89</sup>.

[https://archive.org/details/@oligarchy\\_of\\_india](https://archive.org/details/@oligarchy_of_india)

<sup>86</sup> @ Diary No. 600974 dt. 06 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 84.

<sup>87</sup> Reply email of Director RC Kolkata dated 6<sup>th</sup> Dec 2021. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2.

<sup>88</sup> My father's complaint dated 13<sup>th</sup> June 2020 being no. CPT/GC/20200608/ECHSCO/190 available with the M.D. (email).

The reimbursement-claims are processed in an obscure order maintaining no transparency at all at the level of the polyclinics, which often results in excessive delay in reimbursement. The pending reimbursement-claims do add up to have an effect of depriving the beneficiaries of their pension and so the incidental cost of treatment borne by the beneficiaries often prove more deadly than the disease itself. It is the matter of life, which the public authority is denying to accept. Pertinently the CIC gave a judgment on 30<sup>th</sup> March 2017 in the case of CIC/BS/A/2016/001238, Amrika Bai Vs. PIO, EPFO, Raipur and issued a following guide lines:

*Paragraph No. 16 - The Commission also requires as per Section 19(8)(a)(i, iii & iv) of RTI Act, the public authority to **consider pension related information as life and liberty concerned information** to provide quick access to information, publish necessary guidelines to deliver the pension related information and circulate amongst all CPIOs, and train them to provide such information concerning pension within 48 hours and the FAAs to initiate hearing proceedings within 48 hours.*

The beneficiaries prefer to die without medicines that the E.C.H.S. cannot provide, but prefer not to die with financial crises that the pending reimbursement-claims do to their pension. The beneficiaries in their sunset years are anxious, hesitant and reluctant to purchase medicines and consumables (not available with polyclinic or otherwise) and to avail complete and proper medical treatment prescribed by the doctors. The majority of the beneficiaries living in their sunset years, thus, suffer mental agony due to unwarranted and excessive privacy in processing of the reimbursement-claims at the level of polyclinics. Remember that **the E.C.H.S. is as much strong as is its vulnerable, poor, and other rank beneficiaries passing their sunset years being abandoned by their (adult) children or living alone because either their spouse is dead or their (adult) children are out of station for work.**

Lack of transparency in the polyclinics is an opportunity and a loophole to unleash a battery of corruption, manipulation, and unaccountably. My RTI Investigation has become a cause of annoyance to the administrators of the E.C.H.S. who prefer to keep the process of reimbursement of claims at the level of polyclinics wrapped in the coat of obscurity. It causes suspicion if not full persuasion that some beneficiaries who enjoy privacy in processing of their reimbursement claims at the level of polyclinics also enjoy privilege of rank, favouritism, and power. You know rank has power but power shall not have rank, I use knowledge and law to ensure that my other rank father is not neglected in hands of the administrators, but I am very much worried

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<sup>89</sup> Complaint email dated 28<sup>th</sup> Apr 2022.

about other beneficiaries who are alone. Aged beneficiaries are too weak to raise their voice and even to ask for help; they suffer in silence. Theoretically the claims for reimbursement are processed in the order of "seniority of receipt"<sup>90</sup>, i.e. first submitted first processed, but I fear practically rank is still a determining factor in Military even after getting rebuked by the Delhi High Court<sup>91</sup>:

*6. We can however well imagine the scenario prevalent in the ECHS Polyclinics, Military Hospitals / Empanelled Hospitals. The same is not typical of ECHS Polyclinics / Military Hospitals / Empanelled Hospitals only but of all institutions. We, as a country, ruled first by the kings and chieftains and later by the British, have it ingrained in us, to respect and give priority in all walks of life to rank, office and wealth. Rank, office and wealth opens doors to holders thereof without even there being any provision therefor in law, Rules and Regulations. Though our Constitution set the course right by ingrainning therein the equality clause (Article 14) and by abolishing titles (Article 18) but the same has not been achieved in practice in the last more than 65 years.*

Unless the information sought is monthly published, the administrators can make no claim that the reimbursement-claims are actually processed in the order of seniority of receipt - there is no presumption of innocence and there is no presumption of good intention, there is only presumption that without relentless scrutiny the administrators would manipulate the system. Why compound suffering with anxiety the beneficiaries inevitably fall prey to, in the dearth of transparency in polyclinics in the order of processing several reimbursement-claims? Asking to maintain transparency is not to question the discipline in Indian Military, but to strengthen and reinforce the trust of the beneficiaries. Maintaining the needful records is not a burden on the clerks of the polyclinics, but is the only way of performing duty accountably and responsibly.

On the other hand, due to enemy countries, the nation is constantly at the risk of territorial insecurity, economic destabilization, and collapse of the government, but the soldiers prevent such catastrophe from happening. **The morale of the soldiers is, however, injured because of the following reasons:**

- 1) The soldiers are being made to sacrifice their lives for the nation with the false and misleading hope that the Health Scheme would faithfully and impartially look after their

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<sup>90</sup> Reply email of the Dir. RC Kolkata dated 5<sup>th</sup> Feb 2022. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 3.

<sup>91</sup> Delhi High Court, Writ Petition Civil 5522 of 2015.

widows, orphans, and aged, dependent, and diseased parents.

- 2) The soldiers are being made to sacrifice their limbs and sight for the nation with the false and misleading hope that the Health Scheme would faithfully and impartially take care of their disabilities after they are boarded out due to unfit for Military service.
- 3) Unlike civil service where retirement age is 60 years and knowingly that after early superannuation the soldiers will face uncertainty in employment, the soldiers are being made to sacrifice their youth for the nation with the false and misleading hope that after retirement the soldiers and their dependents would be provided proper and complete medical treatment by the Health Scheme for which they spend their blood and fortune.

Military is the backbone of the nation, which promotes development in every sector by providing security and tranquility. Military personnel put themselves and their lives between the hostile external elements and the citizens of this nation. Any impediment in care of health of the military personnel in service and after retirement is threat to the entire nation. Obscurity in functioning of E.C.H.S. polyclinics causes irreparable injury to the morale of the soldiers. Inquiry into the conduct of the E.C.H.S. polyclinics is, therefore, a matter of public interest. Maintenance and publication of the information sought herein is in public interest to uphold the morale of the soldiers, too.

Let not the beneficiaries to suffer in silence and compromise with their health; be informed that they are mentally and physically tired and cannot run from pillar to post to know the status of their reimbursement claims lurking in the polyclinics, in their sunset years.

**Lack of transparency in the polyclinics in processing of the reimbursement claims** defies the very purpose of this health scheme; makes it meaningless and useless; questions the very statute under which it came into mere existence. In public interest, **the information sought is required to be maintained and published regularly not from the day the polyclinic may deem fit but from the day claim documents are submitted at the polyclinic by the beneficiaries.** It would help the beneficiaries to avail complete and proper medical treatment as envisaged in the E.C.H.S. and to prevent anxiety:

*2. I have apprised OIC PC Salt Lake and he shall communicate with you separately. However, you would agree that it takes time to reply and give feedback to all the veterans regarding their status of Claims. **Many Veterans write mails on the subject to know regular updates regarding their claim.** The staff at the PC are working*

*under a lot of pressure and request give them a little time they will process all claims and reply to queries as per the seniority of receipt at their end.<sup>92</sup>*

Henceforth it is imperative to maintain digitally the records of the order of processing of reimbursement-claims at polyclinics. It would not only facilitate monthly publication of the requisite information in websites, but also facilitate the beneficiaries especially during the lockdown days of a pandemic when the beneficiaries are hugely dependent on reimbursement claims and cannot go to their polyclinics to get medicines, submit reimbursement claims, and do physical inspection of records.

You know, before end of life is about to come, the wall clock at home comes to rest: television programs do not seem entertaining anymore; news seems insignificant; social interactions are like déjà vu; diseases prolong every second passing by. Looking at the face of death, however, what keep someone alive are its memorable moments of the aspiring, adventurous, and amusing life it had before. For e.g., the special moment when a soldier was commissioned in Military and the special moments when the soldier did acts of bravery, acts of benevolence, and innocent acts of humor. To the withering ex-servicemen, therefore, the environment of Ex-Servicemen Contributory Health Scheme gives a sense of familiarity and belongingness and upholds the sacred memories to live with. To the agitated ex-servicemen and their dependents, i.e. the beneficiaries, when the E.C.H.S. refuses to provide transparency at the level of polyclinics, there is very likelihood of conveying an impression that something is obscure, which is being concealed. It shakes the credibility and discipline in the Military; it makes difficult to recall the sacred moments; it withdraws support from the shaking hands of the beneficiaries living in their sunset years. With every second slipping away the monosyllable of the clock is death, death, death unless necessary action is taken to its opposition.

#### **The Larger Public Interest in Education & Empowerment Case:**

It is the nature of the unabashed Central Government to make the ignorant beneficiaries silent by oppression and suppression. To prevent any causative event from happening, at first the E.C.H.S. administrators break the unity and association of the aged beneficiaries by stopping communication in between the beneficiaries in the official Telegram group of the E.C.H.S. Polyclinic Salt Lake<sup>93</sup>, thereby preventing them to speak their

<sup>92</sup> Dir. R.C. Kolkata Col P.R. Mohanty's email dt. 5<sup>th</sup> Feb 2022. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 3.

<sup>93</sup> Complaint against Lt Col Sanjoy Bhattacharyya (Retired), PGPORAL Docket No. MODEF/E/2023/0004446 dated 2<sup>nd</sup> August 2023 and MODEF/E/2023/0004868 dated 21<sup>st</sup> August 2023.

problems, to protest, and to be empowered. After isolating every complainant-beneficiary, the administrators discourage the complainant-beneficiary by saying, "not treat your problem in isolation as a prime concern for them"<sup>94</sup> or by threatening:

*I also see that a Retired Colonel, who is the Officer in charge of the ECHS Poly Clinic, Alappuzha has requested the retired Havildar, a 76 year old man, "not to write threatening letters". **It is unfortunate that a 76 year old Ex-service man is treated in this manner.** The 2nd respondent seems to have forgotten that both himself and the petitioner are retired and he has no administrative or disciplinary control over the petitioner. His directions lack the lusture of a command. In any event in the true traditions of the Indian Army; of an officer leading his men in the battle field, the 2nd respondent ought to have taken the lead in ensuring the petitioner's safe sailing in the ocean of life (samsara sagara), during the eve of his life.*<sup>95</sup>

If the patient-party of the beneficiary still presses a bona fide complaint, though; then, the administrators rope in the patient-party into a false case with scandalous and defamatory allegations.<sup>96</sup> The administrators think that Providence has made the beneficiaries for them as frogs for snakes, deer for lions, and grass for cattle. There is no limit to their own covetousness, selfishness, and perverse sentiments; far from being moved with compassion for the distresses of the beneficiaries, they are ever busy in wishing the destruction of the little that is left with the aged beneficiaries. We achieved independence from Britishers, but still we are slave of our own people in power.

When bona fide mistake, however, becomes chronic, and negligence and corruption becomes the second nature of the administrators, so that it freely runs down through hierarchy; then, the lower rung take it as permission to misbehave, to deceive, to manipulate the system, to play ranks, and to deny service, which in toto amounts to deficiency in service and catastrophic collapse of the health scheme.

Every official who is frightened of adverse action for doing

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<sup>94</sup> Lt Col S.C. Katoch's email dated 25<sup>th</sup> May 2022, the Ex-OIC of the E.C.H.S. Cell at Station HQ Bengal Sub Area Calcutta. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 4.

<sup>95</sup> WP(C).No. 9028 of 2012, the High Court of Kerala at Ernakulam.

<sup>96</sup> Paragraph no. 14<sup>th</sup> of Lt Col S.C. Katoch's letter being no. 103/8/Gen/50/RTI dated 2<sup>nd</sup> Dec 2022. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 5.

wrong to the beneficiaries and their patient-parties take shelter of a stronger administrator who abuses its position not only to prevent the law from taking a firm course but also to manipulate, tamper, and corrupt the entire system into making the beneficiaries lose their E.C.H.S. Cards in disciplinary action:

***Blocking of cards in case of ineligibility, demise and disciplinary reasons***

***7. Blocking of cards due to indiscipline***

*(a) A provision will be provided to the OIC Parent Polyclinic to block cards due to disciplinary reasons. ...<sup>97</sup>*

The administrators must be reprimanded for their actions unbecoming; they must be censored severely and removed from their positions for their actions highly dangerous to the interest of the aged, alone, abandoned, diseased, and retired soldiers and their dear dependents and widows.

The administrators have mutilated the health scheme, its rules are made not to throw rope to pull the beneficiaries out of swamp but to reinforce the administrators in frightening the beneficiaries, the botched up and corrupted administration is not beneficiaries centric but is administrators centric. The dishonest and wicked administrators of the E.C.H.S. suppress and oppress the beneficiaries with threats to give wide publicity of the disciplinary action taken against the beneficiaries:

***SOP FOR DISCIPLINARY ACTION AGAINST ECHS MEMBERS***

*8. Publicity. In case where decision of termination of membership is taken the names of such ESM shall be highlighted on the web and wide publicity given through concerned Regional Centre.<sup>98</sup>*

Activities of public authorities are always in public interest. If that publicity is in public interest; then, in public interest wide publicity must also be given in the same platforms when courts, tribunals, commissions, and the like condemn, criticise, reprimand, or punish the administrators with cost, compensation, and interest. All are equal before the law<sup>99</sup>, the administrators will taste their own poison made for the helpless beneficiaries living in their sunset years.

An Ex-serviceman retired in 1986 lost its spouse after a paid

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<sup>97</sup> C.O. E.C.H.S. Letter No. B/49711-NSC/AG/ECHS dt. 16 July 2021. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 6.

<sup>98</sup> C.O. E.C.H.S. letter no. B/49717-C/AG/ECHS dt. 27<sup>th</sup> March 2008. @ Diary No. 600874 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 12.

<sup>99</sup> Right to Equality, Article 14 of the Constitution of India.

treatment in ICU of an empanelled hospital. The administrators rejected its reimbursement-claim on the ground that the Ex-serviceman was not a member of the E.C.H.S. and that the Ex-serviceman became member after the demise of its spouse. The way the Karnataka High Court rebuked the administrators of the E.C.H.S. can be known from the following extracts:

25. ... When the Central Government with object to fulfill Articles 14, 21 and 41 of the Constitution of India has introduced ECHS, the authorities working under the Central Government without applying their mind should not deprive the Ex-servicemen from getting their legitimate benefits under the ECHS and they should not drag the matter unnecessarily. Unfortunately, the petitioner is before this Court for reimbursement of medical expenses incurred in respect of ailment of **its spouse**, who succumbed to untimely death in the month of July-2007 i.e., more than eleven years ago. The authorities of the Central Government deprived the petitioner by not reimbursing full medical expenses incurred under the ECHS and unnecessarily dragged **the petitioner** before the Court. **The attitude of such officers of the Central Government should be deprecated in the interest of the Nation at large.**

27. The authorities of the Central Government have dragged the petitioner unnecessarily before the Armed Forces Tribunal and this court and deprived **the petitioner** the legal reimbursement of full medical expenses incurred, in terms of ECHS **for more than 11 years** unnecessarily without any reason. Therefore the respondents are hereby directed to pay costs of Rs.50,000/- (Rupees fifty thousand only) to the petitioner in the form of litigation expenses within a period of six weeks from the date of receipt of copy of this order. Liberty is reserved to the respondents to recover the costs from the 4th respondent **(Managing Director C.O. E.C.H.S.)** from **its** pocket.<sup>100</sup>

And

A beneficiary was repeatedly prescribed some medicines, which its polyclinic failed to provide; despite that, the polyclinic doctor did not prescribe any alternative medicine. Consequently, the beneficiary purchased the medicines and the E.C.H.S. denied its reimbursement-claim. To add insult to injury, the E.C.H.S. claimed in the consumer forum "complainant has not approached this Forum with clean hands, more so when **it is in the habit of filing the frivolous complaint without any adequate rhyme or reason.**" The forum, however, slapped E.C.H.S. with fine for mental agony and harassment and ordered reimbursement, together

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<sup>100</sup> Writ Petition No. 54482/2014 (GM-RES), in the High Court of Karnataka at Bengaluru.

with interest, of the cost of medicines purchased.<sup>101</sup>

And

The Military Personnel killed a widow by wrong medical treatment and negligence. **Returned the dead body only after getting in writing from its offspring that no criminal court case would be filed against the Command Hospital** (Southern Command) Pune. Suppressed the medical documents for which the offspring had to file one RTI Application. When complaint was filed with the Military, the complaint was disposed with lenient action only against a nurse. The National Consumer Disputes Redressal Commission, however, found the treating doctor and ward-in-charge guilty, too, and ordered compensation of Rupees Ten Lakhs.<sup>102</sup>

Under diverse and unpredicted circumstances, the action taken by the beneficiary at their wits end could be right or wrong, but the judgment of the judicial bodies is the mighty guide, which is to be followed under the circumstance when repeats. Abuse and unfair practice in the hands of the administrators is not isolated incidents to an individual beneficiary, rather it is happening to every beneficiary every day. Judicial and quasi-judicial bodies aim at enlightenment of the entire society, refinement of the E.C.H.S., and molding the behaviour of the inhuman administrators. Still the administrators ensure that every instance of wrongdoing is well covered up. The beneficiaries suffer in silence because of threats from the evil administrators, old age, financial weakness, and lack of support from (adult) children. The deafening silence is the failure of the judiciary, and the hits keep on coming when these aggrieved and withering beneficiaries eventually rest in peace on the floor queued at the front of electric furnace in crematorium. There is no presumption of innocence and good intention; there is only presumption that without relentless scrutiny these administrators weaned on Watergate will mock the E.C.H.S. It should be prevented by education, empowerment, and protection of the beneficiaries in one hand, and by sensitisation of the administrators in other hand. It is in larger public interest that the copies of judgments and orders of judicial and quasi-judicial bodies be suo moto published online in the websites of the E.C.H.S. and the D.E.S.W. It trains the beneficiaries to suspect if they are being victimized, and they become more vigilant - the mind sees what it knows. Having the information sought made available to all the beneficiaries, I hope more and more beneficiaries would find courage and confidence to ask questions, demand answers, and protect the lives of their dear dependents and that of their own without fear, harassment, and threats, which my father faced qua beneficiary and I faced qua patient-party cum RTI Investigator.

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<sup>101</sup> Consumer Complaint No. : 181 of 04.03.2016, District Consumer Disputes Redressal Forum, Ludhiana. Date of Decision: 08.11.2019.

<sup>102</sup> N.C.D.R.C.: Consumer Case No. 44 of 2008, Priya Narhari vs. Command Hospital Pune & others.

## Grounds:

### Education & Empowerment Case

#### Part 1 (About expenditure)

On the order of court and the like, the interest, compensation, and cost paid by the E.C.H.S. to the beneficiaries cost the exchequer, it is public money. Reports of such expenditure or disbursement made without disclosing details of the beneficiaries must be published, u/s 4(1)(b)(xi). Pertinently, the C.I.C. ordered:

**However, since the fee paid to the lawyers comes from public funds, there is no ground not to disclose the information concerning the same.** Accordingly, the CPIO is directed to provide to the Appellant the information concerning the lawyers' fee sought by him in the RTI application dated 28.9.2015.<sup>103</sup>

#### Part 2 (About orders and judgements)

The Delhi High Court in W.P.(C) 6634/2011 and CM No. 13398/2011 opined that:

**10. ... Undoubtedly, information regarding cases where the order has been reserved is information that is contained in the documents, including orders passed by courts, that are available with the Registry of the Supreme Court. In fact, the orders of the Supreme Court are placed on its website and thus, all information with respect to cases where judgment is reserved is otherwise available in public domain. ...**

Please remember that the 52 lakhs beneficiaries are ignorant of law and rights, even they do not know what is original side and appellate side leave alone knowledge of abbreviations and types of cases. Ask them on the border to defend the nation, surely they can - once a soldier is always a soldier - but ask them to defend their interests in the E.C.H.S., simply they cannot do that. For the ignorant beneficiaries, once a copy of judgment about the E.C.H.S. is uploaded in one of the thousand websites of courts, commissions, and tribunals, it cannot be said that it is published and so it cannot be said that the same is no longer information under the RTI Act, 2005. If there is any doubt please follow Gandhi's Talisman:

*I will give you a talisman. Whenever you are in doubt, or when the self becomes too much with you, apply the following test. Recall the face of the poorest and the weakest person whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to the person. Will the person gain anything by it? Will it restore the person to a control over its own life and destiny? In other words, will it lead to freedom for the hungry and spiritually starving millions? Then you will*

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<sup>103</sup> CIC/SH/A/2015/001982 + CIC/SH/A/2016/000333.

*find your doubts and yourself melt away.*

Now, I am going to present three different grounds independent of each other.

**Ground 1 (u/s 7(1))**

The E.C.H.S. being a party to case is normally expected to have in its possession all documents connected to the case. It has been evidently established that all the Station Headquarters and all the Regional Centres E.C.H.S. maintain in records the copies of judgements and orders. Hereby I can obtain from records the copies of such old documents, u/s 7(1) and 7(6), and every year I can repeat the application, u/s 6(1), to obtain from records copies of such new documents. Then, the E.C.H.S. and D.E.S.W. will be duty bound to publish not only my RTI Applications but also the documents provided in reply, under the force of **Department of Personnel and Training (Ministry of Personnel, Public Grievances and Pensions) Office Memorandum No. 1/6/2011-IR dated 15<sup>th</sup> April 2013** having subject:

Implementation of suo moto disclosure under Section 4 of RTI Act, 2005 - Issue of guidelines regarding:<sup>104</sup>  
Section 4(1)(b)

**1.4 RTI Applications**

**1.4.1 All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities** with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

And in this regard the C.I.C. will pass necessary order for compliance, u/s 19(8)(a).

Further, for your kind information, I am quoting some relevant paragraphs from the aforesaid Memorandum:

**4.0 Compliance with Provisions of suo moto (proactive) disclosure under the RTI Act<sup>105</sup>**

**4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.**

**4.4 Each Ministry/ Public Authority should get its proactive disclosure package audited by third party every year.** The audit should cover compliance with the proactive

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<sup>104</sup> @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2, 6.

<sup>105</sup> @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2, 16.

disclosure guidelines as well as adequacy of the items included in the package. **The audit should examine whether there are any other types of information which could be proactively disclosed.** Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

**4.5 The Central Information Commission should examine the third-party audit reports** for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

**Where is compliance report of the E.C.H.S. and D.E.S.W.?** Where is report of examination done by the C.I.C. on the compliance report of the E.C.H.S. and D.E.S.W.? As a matter of fact, the public authority does not care about the aforesaid Memorandum as if the rule of law does not apply on the Indian Military. If there have been such audits; then, surely the third party auditors must have done the same thing that I am doing through my RTI Investigations. Pertinently I would like to quote a report from A. N. Tiwari and M. M. Ansari from the Central Information Commission:

The RTI Act is predominantly about the demand side of information dissemination, i.e., demand for information disclosure by the citizen and the processes that go with it. But, there is also a supply-side to this Act, which relates to voluntary disclosure of information held by Public Authorities. The mandate for suo motu disclosure is contained in Section 4 of the Act. This section has now emerged as the focal point at which most disclosure related efforts of the Public Authorities converge. The audit exercise, which the undersigned were mandated by the CIC to supervise, relates to online disclosure of information by public authorities through their respective websites in terms of section 4 of the RTI Act.

**This section 4 sets out in some detail, the parameters for information disclosure, on one hand, and on other, it defines the transparency horizon to be aimed for by the state instrumentalities. We observed that this latter aspect of the section 4 - the proverbial "woods" - is often lost sight of in "counting of trees", i.e., a routine**

**adherence to the subject list of the section. Yet, it must be readily conceded that even the "counting of trees" exercise has the potential to significantly expand the horizons of transparency in government, if done with methodological rigour. Thus, we ensured that methodology was central to the present exercise which has resulted in this report.**<sup>106</sup>

**Ground 2 (u/s 4(1)(b)(iv) and 4(2))**

Ideally the section 4(1)(b)(iv) talks about good public authorities who are trusted to set on their own some standards for their activities; but practically there is little trust in public authorities specially like the E.C.H.S., and frequently the judicial and quasi-judicial bodies have to intervene to decide, to correct, and to set some standards, which is known as judgements or orders. It is required to be published suo moto and is explained in the aforesaid Memorandum:

**3.4 Guidelines for Section 4(1)(b)(iv) - "the norms set by it for the discharge of its functions".**<sup>107</sup>

**3.4.1 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.**

**Ground 3 (u/s 4(1)(b)(v) and 4(2))**

The RTI Act, 2005, not only requires governments to provide information upon request, it also imposes a duty on public authorities to actively disclose, disseminate, and publish information as widely as possible. The Act also requires all public authorities to publish suo moto or proactively a wide range of information on their own, even if no one has specifically requested it. Section 4 of the Act requires all the public authorities to publish routinely 17 categories of information. This provision clearly specifies that all public authorities must make constant efforts to provide as much information suo moto to the public, at regular intervals, through various means including the Internet, so that the public have minimum need to use this Act to obtain information. This ensures that citizens always have access to authentic, useful, and relevant information. This is a key provision because it recognises that some information is so useful and important to the community at large, that it should be given out regularly,

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<sup>106</sup> Transparency Audit of Disclosures u/s 4 of the Right to Information Act by the Public Authorities By A. N. Tiwari & M. M. Ansari dated 12<sup>th</sup> November 2018, Central Information Commission.

<sup>107</sup> @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 2, 13.

without anyone specifically requesting it. Self-disclosure enables promotion of transparency and accountability in governance, and reduces the demand for information by the citizens from public authorities, as most of the important information is available in the public domain.

Now, the E.C.H.S. being a party to case is normally expected to have in its possession all documents connected to the case. It has been evidently established that not only all the Station Headquarters and all the Regional Centres E.C.H.S. maintain in records the copies of judgements and orders but also **the E.C.H.S. uses such documents for discharging its functions.** If in a case the administrators of the E.C.H.S. have been punished and there is doubt on existence of such judgements or orders in records; then, the C.I.C. may pass necessary orders for finding and proper maintenance and management of records, u/s 19(8)(a)(iv). Further, it is duty of the E.C.H.S. to publish regularly such updated records in websites suo moto, u/s 4(1)(b)(v) and 4(2), and the C.I.C. being the guardian of the Act is required to issue necessary orders in this respect, u/s 19(8)(a)(iii).

Further, no excuse like large number of documents and shortage of staff is maintainable:

*13. The other objections that they are maintaining a large number of documents in respect of 45 departments and they are short of human resources cannot be raised to whittle down the citizens' right to seek information. It is for them to write to the Government to provide for additional staff depending upon the volume of requests that may be forthcoming pursuant to the RTI Act. It is purely an internal matter between the petitioner archives and the State Government. The right to information having been guaranteed by the law of Parliament, the administrative difficulties in providing information cannot be raised. Such pleas will defeat the very right of citizens to have access to information. Hence the objections raised by the petitioner cannot be countenanced by this court. The writ petition lacks in merit.<sup>108</sup>*

Also no excuse like it would disproportionately divert the resources of the E.C.H.S. is maintainable:

*25. ...That Section does not even confer any discretion on a public authority to withhold information, let alone any exemption from disclosure. It only gives discretion to the public authority to provide the information in a form other than the form in which the information is sought for, if the form in which it is sought for would disproportionately divert the resources of the public authority. In fact there*

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<sup>108</sup> High court of Madras in W.P. No. 20372 of 2009 and M.P. No. 1 of 2009, order dated 07-01-2010.

**is no provision in the Act to deny information on the ground that the supply of the information would disproportionately divert the resources of the public authority.<sup>109</sup>**

And

*...It is true that the Section 7(9) provides that information sought in a particular form should be provided in that form unless it would disproportionately divert the resources of the public authority or would be detrimental to preservation of record in question. That means, the public authority concerned should provide the information sought in a different form if he thinks, on reasonable grounds, that the form in which it has been sought would disproportionately divert the resources of the public authority. **This provision in Section 7 is not a license to deny information.**<sup>110</sup>*

#### **Order of Reimbursement Case**

In this case, no information about extent of medical facilities taken by the beneficiaries has been requested; rather information about activities of the polyclinics' clerks has been requested. It can be viewed as an inquiry in to public activities of the polyclinics, in public interest. The information sought like name and rank of the beneficiaries submitting reimbursement claim documents in their polyclinics, does not violates their privacy:

*26. With regard to question whether disclosure of such identification related information causes invasion of privacy, or is that unwarranted invasion of privacy, the PIO has not put forward any evidence or explained possibility to show that disclosure of degree related information infringes the privacy or causes unwarranted invasion of privacy. **If name and father's name, degree obtained, the date or the marks or the roll number are revealed, how can that cause invasion of privacy?**<sup>111</sup>*

Further E.C.H.S. Card numbers are not personal information because the numbers are generated through common process. Only when a stranger knows E.C.H.S. Card numbers and Service Numbers, there is possibility of information leak regarding extent of medical facility taken by the beneficiaries. So I have carefully not asked any information about Service Numbers of the

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<sup>109</sup> High Court of Kerala in W.P. (C) No. 6532 of 2006 (C), Treesa Irish W/o Milton Lopez Vs. C.P.I.O., order dated 30.08.2010.

<sup>110</sup> Central Information Commission, Decision dated 22.10.08 in Appeal No. CIC/WB /A/2007/00528-SM.

<sup>111</sup> CIC/CC/A/2014/000666.

beneficiaries, and I have asked publication of only last three digits of the E.C.H.S. Card Numbers so that beneficiaries under the same polyclinic having same name and rank can differentiate their claims. Publication of the last three digits of E.C.H.S. Card Number is meaningful only to the beneficiary who owns it and is meaningless to anybody else.

Information about mode of submission of the reimbursement claim documents by the beneficiaries like by hand, by post, by email is also not personal information and publication of the information sought is most useful during pandemic.

Now, submission of reimbursement claim documents by the beneficiaries at the polyclinics is a public activity, and so date of submission is not a personal information. It is by law mandatory for the polyclinics to keep in records the dates of submission. For that, I am relying on the following:

The Supreme Court of India in the case against the Central Government Health Scheme (C.G.H.S.) said in respect of Medical Reimbursement Claims (MRC) that:

**16) Further, with regard to the slow and tardy pace of disposal of MRC by the CGHS in case of pensioner beneficiaries and the unnecessary harassment meted out to pensioners who are senior citizens, affecting them mentally, physically and financially, we are of the opinion that all such claims shall be attended by a Secretary level High Powered Committee in the concerned Ministry which shall meet every month for quick disposal of such cases. ... We further direct the concerned Ministry to take steps to form the Committee as expeditiously as possible. Further, the above exercise would be futile if the delay occasioned at the very initial stage, i.e., after submitting the relevant claim papers to the CMO-I/C, therefore, we are of the opinion that there shall be a timeframe for finalization and disbursement of the claim amounts of pensioners. In this view, we are of the opinion that after submitting the relevant papers for claim by a pensioner, the same shall be reimbursed within a period of 1 (one) month.<sup>112</sup>**

P.T.O.

[https://archive.org/details/@oligarchy\\_of\\_india](https://archive.org/details/@oligarchy_of_india)

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<sup>112</sup> Supreme Court, Writ Petition (Civil) No. 694 of 2015, Shiva Kant Jha Vs. Union of India (C.G.H.S.), 13<sup>th</sup> Apr 2018. @ Diary No. 600878 dt. 05 Jan 2024, CIC-DESW-A-2022-664968, Pg. No. 18, 31.

And

*Subject:- Prescription of Timelines under CGHS for settlement of Medical claims of Pensioner CGHS beneficiaries<sup>113</sup>*

*Medical Claims not requiring Special approvals*

*Pensioner CGHS beneficiaries shall submit the Medical claims to the CMO I/C of the CGHS Wellness Centre, where the CGHS Card is enrolled. CMO I/C of CGHS Wellness Centre issues Serial Number and sends the claim papers to ... The payment shall be completed within 30 days of submission of the Medical claim papers at the CGHS Wellness Centre.*

And Screenshots from the official group in Telegram app<sup>114</sup>:

**31st Oct 2023: ECHS OC Salt Lake:**

*Gm dear members. Advisory on Pharmacy Bill Claim*

**1. Please submit your reimbursement bill as soon as possible but not beyond 90 days.**

**2. Ensure GST & Drug License No are mentioned on bill.**

**...**

*For Info - NO CLAIM PENDING AS ON DATE.*

Now, about entry serial number, i.e claim submission number, is not a personal information because it is locally and manually generated through common process at the polyclinics and assigned to the reimbursement claims, which depends on the will of the Officer-in-Charges of the polyclinics, as there is no SOP or order in this regard. Publication of such records, if maintained by the polyclinics, will lead to greater transparency and accountability.

Now, the dates of verification, finalization, and upload of the reimbursement claim documents by the clerks are automatically registered in the website of Bill Processing Agency, UTIITSL. The information sought about such dates exists beyond doubt and is held by the public authority, but is not being compiled or kept in a manner by the polyclinics in which it is accessible in a transparent manner; then, a direction can be given to the public authority to maintain and provide the information in a particular manner so as to achieve the object and purpose behind the Act.

At last, information regarding the functioning of public institutions is a fundamental right enshrined under Article 19 of

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<sup>113</sup> DoH&FW Director CGHS Dr. D.C. Joshi's Office Memorandum dated 14<sup>th</sup> May 2018 no. Z.15025/38/2018/DIR/CGHS. @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 35.

<sup>114</sup> @ Diary No. 600878 dt. 05 Jan 2024, CIC-DEXSW-A-2022-664968, Pg. No. 37 to 41.

the Constitution of India<sup>115</sup>. Due to funds not available, the beneficiaries face financial crises due to long pending reimbursement claims, so they rely more on Local Purchases made by the polyclinics from the funds given to the polyclinics. Local Purchases stop when the fund is exhausted, and so the beneficiaries go without medicines. This is clear defeat of the health scheme. It is, therefore, essential to publish the date on which the fund got exhausted in the previous month so that the beneficiaries get the idea and accordingly scheduled their visits to the polyclinics and so that no discrimination can be done to the other rank beneficiaries.

The information sought about such records comes u/s 4(1)(b)(v), it is required to be suo moto published u/s 4(2, 3, & 4), and the C.I.C. is required to give necessary orders in this regard u/s 19(8)(a)(i, iii, and iv).

#### Other Arguments:

#### Fiduciary Relationship:

A court has no fiduciary relationship with the parties to a suit:

- 1) In Bristol and West Building Society vs. Mothew [1998 Ch. 1] the term fiduciary is defined as follows:

*"A fiduciary is someone who has undertaken to act for and on behalf of another in a particular matter in circumstances which give rise to a relationship of trust and confidence. **The distinguishing obligation of a fiduciary is the obligation of loyalty...** .. A fiduciary must act in good faith; he must not make a profit out of his trust; he must not place himself in a position where his duty and his interest may conflict; he may not act for his own benefit or the benefit of a third person without the informed consent of his principal."*

- 2) The American Restatements (Trusts and Agency) define 'fiduciary' as follows:

*"One whose intention is to act for the benefit of another as to matters relevant to the **relation between them.**"*

- 3) Plaintiffs and defendants both approach the courts for their own mutually exclusive interests. The courts, however, have fiduciary relationship with neither the plaintiffs nor the defendants. Courts have the duty to function independently and openly to the public.

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<sup>115</sup> State of U.P. v. Raj Narain: AIR 1975 SC 865, Union of India v. Association for Democratic Reforms: AIR 2002 SC 2112 and PUCL v. Union of India: (2003) 4 SCC 399.

4) The Code of Conduct for the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal states the following:

*1. Independence*

*(a) Judges must uphold the independence and integrity of the internal justice system of the United Nations and must act independently in the performance of their duties, free of any inappropriate influences, inducements, pressures or threats from any party or quarter;*

*(b) In order to protect the institutional independence of the Tribunals, judges must take all reasonable steps to ensure that no person, party, institution or State interferes, directly or indirectly, with the Tribunals.*

5) Ms. B. Gayathri Addl. Junior Civil Judge, Rayachoty opined that:

*JUDICIAL INDEPENDENCE*

*2. A judge shall be independent in relation to society in general and in relation to the particular parties to a dispute which the judge has to adjudicate.*

6) Moreover, the fundamental right to equality before law and equal protection of law guaranteed by Article 14 of the Constitution enshrines in itself a person's right to be adjudged by a forum, which exercises judicial power in an impartial and independent manner consistent with the recognised principles of adjudication.

Thanks.

**Timeline:**

**Name: Order of Reimbursement Case**

**Status:**

RTI Application filed on 25/05/22.

Pseudo Reply received on 08/06/22.

First Appeal sent on 11/07/22 (DTDC).

RTI Reply dt. 27/07/22 received on 01/08/22.

First Appeal sent on 24/08/22 (DTDC).

First Appeal sent again on 31/08/22 (Reg.Post) delivered on 05<sup>th</sup>.

Last request to M.D. for reconsideration emailed on 13/11/22.

No order from F.A.A. Dr. P.P. Sharma.

Due date of filing the second appeal = 5 Sep +45+90 = 20/01/23.

Second Appeal filed on 04/12/22 & Reg. Post on 15/12/22 to CPIO.

No delay in filing of the second appeal.

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27/12/23 2) Received Email, Reply dt. 06/09/23 for MODEF...4669.

Request denied, referred to RTI Reply dt. 27/07/22.

Signee: Col Anirudh Shekhawat **Director C.&L. is now Director Medical** CO ECHS.

Reply not uploaded in PGPORTAL. Status: Under process

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	1) Emailed Reminder for MODEF...0004669.
22/12/23	Email CIC Hearing Notice and Reminder for MODEF...4669.
13/12/23	Email Reminder for MODEF...0004669 to the M.D. and Director C.&L. C.O. E.C.H.S.
11/08/23	PGPORTAL MODEF/E/2023/0004669 filed. Requisition for providing in the ECHS the same transparency as evidently <b>provided by the CGHS in its website</b> , by monthly publication of details of pending, settled, & rejected medical reimbursement claims in the websites of ECHS and DESW. <b>The last attempt to negotiate with the ECHS on the ground not been apprised of before.</b>
04/05/23	Received Reply dt. 03/05/23 for MODEF...05554 Issue raised is not under the purview of CO ECHS and thus no comments can be offered. Signee: Lt Col Deepak Bhatt Jt. Dir. C.&L. CO ECHS.
15/12/22	2 <sup>nd</sup> Appeal Registry Post RW483993798IN to the CPIO, delivered. Emailed too on 16 <sup>th</sup> Dec 2022.
04/12/22	2 <sup>nd</sup> Appeal Filed CIC/DEXSW/A/2022/664968.
13/11/22	<b>The last try.</b> Emailed Subject: Gratitude, and giving the last opportunity to settle the issue of need for transparency in the order of processing of reimbursement claims in E.C.H.S. polyclinics all over India.
12/11/22	2) Received Reply Email from the M.D. "ECHS is a subordinate office of the MoD. Hence ECHS is not in a position to act on your complaint against Dr PP Sharma."  1) Emailed reminder for MODEF...05554 to M.D., Dr. P.P. Sharma, US (WE) DESW, Dir. C.&L.
16/10/22	PGPORTAL MODEF/E/2022/05554 filed. Complaint seeking inquiry and disciplinary action against Dr. P.P. Sharma (FAA) for inaction, omission, and suppression of documents. Also again requested hearing on the 1 <sup>st</sup> Appeal.
13/10/22	<b>Emailed reminder</b> to Dr. P.P. Sharma with 1 <sup>st</sup> Appeal
06/10/22	attached. No acknowledgement & no hearing notice.
14/09/22	Received Reply for MODEF...03687 Asked to file grievance again with service details of

	my father. I preferred not because no RTI Appellant is supposed to have Army background, as any Indian citizen can file Applications and Appeals.
05/09/22	1 <sup>st</sup> Appeal together with application for admitting the belated 1 <sup>st</sup> Appeal, <b>Registry Post RW483991298IN, delivered</b> to Dr. P.P. Sharma Sena Bhawan.
31/08/22	1 <sup>st</sup> Appeal together with application for admitting the belated 1 <sup>st</sup> Appeal Registry Post RW483991298IN to Dr. P.P. Sharma Sena Bhawan.
26/08/22	1 <sup>st</sup> Appeal DTDC Courier K39365991 to Dr. P.P. Sharma Sena Bhawan. <b>"Not Delivered (Restricted entry)"</b> .
24/08/22	1 <sup>st</sup> Appeal sent to Dr. P.P. Sharma, DTDC K39365991.
01/08/22	<b>Reply dt. 27/07/22 to RTI Application received ED178698865IN.</b> In reply <b>CPIO Suman Sharma DESW Sena Bhawan has quoted words from</b> Col Anirudh Shekhawat's letter dt. 07/06/22. The CPIO claims to have received the RTI Application on 27/06/22; but, Col Anirudh Shekhawat kept it hidden in its email dt. 07/07/22.
25/07/22	Emailed Reminder to my email dt. 18/07/22.
21/07/22	Received Reply dt. 21/07/22 for DDESW...01202. Request is rejected with reference to the letter received on 08/06/22. Signee: Lt Col Deepak Bhatt Jt. Director C.&L. COECHS
19/07/22	PGPORTAL MODEF/E/2022/03687 filed. <b>Complaint for recovery</b> of the amount wasted due to returned courier for the reason wrong or incomplete contact details of the Provost Marshal (FAA) published in the official website of Indian Army. (Wrong phone no., too.)
18/07/22	Emailed to M.D., Dir. C.&L., US (WE)DESW, ADG AE RTI Cell, requesting to transfer attached 1 <sup>st</sup> Appeal to the concerned FAA.
11/07/22	1 <sup>st</sup> Appeal DTDC Courier K39102822 to Provost Marshal Sena Bhawan. <b>"Not Delivered (Address incomplete or wrong)"</b> FAA's address mentioned in indianarmy.nic.in (Update: page not found error).
07/07/22	3) Email sent to M.D., Dir. C.&L., ADG AE RTI Cell, US DESW, Dir. RC Kolkata, and Dy. M.D.

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"Stop playing with me, it's a fair warning. I have already couriered my first appeal to Provost Marshal and the Appellate Authority in the morning of 7th July 22, and after this how could you send me a belated email full of nonsense? Is Stn. HQ Kolkata competitive enough to decide a matter affecting nationwide? ADG AE RTI Cell may be competitive enough to do so as your initial action suggest; then now you are telling me that you have asked ADG to transfer my RTI application to the Stn. HQ Kolkata. Are you aware of the Dir. RC Kolkata's letter dated 20th June 22 (copy attached)? Why are you jeopardizing the lives of the beneficiaries and why are you backstabbing me? Why have you transferred my RTI application to someone you are unwilling to take decision and order from? You transferred my online RTI application physically to ADG AE RTI Cell on 6th June 22, which is shown in RTI online website, that I know. But, without doing CC to me you asked on 17th June 22 to ADG to ditch my RTI application. While the RTI application was pending, all of a sudden you emailed me on 8th June 22 providing the letter dated 7th June 22, which seemed as RTI reply. I asked for clarification on 9th June 22, but you remained silent. **Till 6th July 22 I kept waiting for the RTI reply from ADG AE RTI Cell and I kept waiting for the needful clarification from you. You made me to believe that the last date for filing the 1st appeal is 7th July 22 because of your email dated 8th June 22, and on the last date after I have couriered the same you are telling me all these nonsense. You cleverly chose the last date to reply my email dated 9th June 22 to harass me, hats off to you!** If my first appeal is wasted just for the reason that Provost Marshal returned it without any decision or gave jurisdictional excuse on the subject matter because of all these; then I will make sure that backstabbing me costs you dearer at the Central Information Commission 2 years hence wherever you get posted. THANKS. Attachment: RC Kolkata letter dt. 20th June 22. Webpage of Indian Army detailing particulars of FAA."

2) Email received, reply to my email dt. 09/06/22.

"It is intimated that RTI application mentioned in the email has been fwd to ADG (AE) RTI Cell with a request to tfr the same to Stn HQ Kolkata vide our letter dt 17 Jun 2022. Further, you are requested to make further correspondence with Stn HQ Kolkata as the matter was related to them."

1) **1<sup>st</sup> Appeal sent to Provost Marshal. DTDC K39102822.**

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05/07/22 Received Reply dt. 20/06/22 for MODEF...02287.  
CO ECHS will reply.  
Signee: Col P.R. Mohanty Director RC Kolkata.

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26/06/22	RTIOnline <b>"Please file your First Appeal to the ADG AE (RTI CELL), IHQ OF MOD (ARMY) in Physical mode."</b>
09/06/22	Emailed to M.D., Dir. C.&L., and US (WE) DESW Sought clarification whether reply dt. 07/06/22 is reply to my RTI Application.
08/06/22	Received Reply dt. 07/06/22 for DDESW...00696 & 00691. <b>Request rejected because of "privacy and confidentiality issues".</b> Signee: Col Anirudh Shekhawat Director C.&L. CO ECHS
06/06/22	RTIOnline transferred physically to Additional Directorate General of Army Education RTI Cell.
02/06/22	RTIOnline (transferred) ECHSD/R/T/22/00028.
25/05/22	RTIOnline (original) DEXSW/R/E/22/00523 filed.
09/05/22	PGPORTAL MODEF/E/2022/02287 filed. Complaint for not maintaining transparency in the order of processing of reimbursement claims and refusal to comply with the section 4 of the RTI Act.
09/05/22	PGPORTAL DDESW/E/2022/01202 filed. Complaint for not maintaining transparency in the order of processing of reimbursement claims of the beneficiaries at the level of Polyclinics.
19/03/22	PGPORTAL DDESW/E/2022/00696 filed. Complaint for lack of transparency in processing of reimbursement claims.
18/03/22	PGPORTAL DDESW/E/2022/00691 filed. Complaint for causing hesitancy to avail complete and proper treatment by the beneficiary due to financial crises aggravated by long pending reimbursement claims.

P.T.O.

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**Name: Education & Empowerment Case****Status:**

RTI Application filed on 23/01/23.  
RTI Reply dt. 07/03/23 received on 13/03/23.  
First Appeal sent on 05/04/23 (Reg.Post) delivered on 11th.  
Reply to the First Appeal received on 15/05/23.  
Due dated for filing the second appeal is 15/08/23.  
Second Appeal filed on 14/08/23 & Reg. Post on 18/09/23.  
No delay in filing of the second appeal.

27/10/23	Received N.K. Panda's letter dated 11 <sup>th</sup> Oct 2023 being no. DoESW ID No.: 24(09)/2022/WE/D(Res-I): <i>2. Second appeal with reference to the above RTI application has been received in this division on 22.09.2023 from Shri Anirban Chakraborty vide RTI 2<sup>nd</sup> Appeal of even No. dated 4<sup>th</sup> Sept 2023 and the same is forwarded herewith for detailed examination on the grounds cited by the appellant and to forward a reply to the appellant for disposal of 2<sup>nd</sup> Appeal.</i>
18/09/23	2 <sup>nd</sup> Appeal Registry Post RW120177058IN to CPIO, delivered.
14/08/23	2 <sup>nd</sup> Appeal filed CIC/DEXSW/A/2023/639662.
15/05/23	2) <b>Reply to the RTI First Appeal received</b> at 2:30PM. The reply is so much copy paste that no reference has been made to my First Appeal & not even to its date.  1) Email to FAA Dr. P.P. Sharma, reminder for no reply received yet and requested for hearing notice, email sent at 8:00AM.
11/04/23	1 <sup>st</sup> Appeal Registry Post RW483994127IN, delivered.
05/04/23	1 <sup>st</sup> Appeal Registry Post RW483994127IN- Dr. PP Sharma
13/03/23	Received Reply dt. 07/03/23 for RTI Application. Information denied. Signee: Nanda Kishore Panda Dy. Director D(WE) DESW and Lt Col Deepak Bhatt Jt. Director C.&L. CO ECHS.
13/02/23	RTIOnline (transferred) ECHSD/R/T/23/00014.
23/01/23	RTIOnline (original) DEXSW/R/E/23/00075 filed.
15/11/22	Reply dt. 04/11/22 for MODEF...05302. RTI matters are not taken up for redressal on CPGRAMS and the same has been mentioned in the website. Signee: Lt Col Deepak Bhatt Jt. Director C.&L.
05/10/22	PGPORTAL MODEF/E/2022/05302 filed.

Complaint for lack of suo moto publication of a list of all cases filed by or against ECHS anywhere in India in courts, fora, commissions, AFTs, and the like with further requisition for regular update of the list for publishing in the website of ECHS and DESW u/s 4 of the RTI Act.

Hopefully, &c.,

Place: Dum Dum, Calcutta.

**Enclosures:**

(Signed)

(Digital copies)

ANIRBAN CHAKRABORTY

In the order as stated in the

Patient-party and appellant. footnotes.

**Supporting Documents and Evidences:**

Sn	Topic	Part	Diary	Date	File No.
	Bhattacharyya -			05 Jan	CIC-DEXSW-A-
1	Rajrishi Case	Part 5	600875	2024	2022-664968
	D.G.A.F.M.S.- Rajrishi				
2	Case	Part 5	600875	ditto	ditto
3	Deepak Kumar Case	Part 6	600876	ditto	ditto
4	Grounds (Both Cases)	Part 8	600878	ditto	ditto
5	Katoch - Mohanty Case	Part 1	600871	ditto	ditto
6	Majee - Sirohi Case	Part 6	600876	ditto	ditto
	Mohanti - Mukherjee				
7	case	Part 7	600877	ditto	ditto
	Mukherjee - Katoch				
8	Case	Part 6	600876	ditto	ditto
9	Mukherjee - Sinha Case	Part 8	600878	ditto	ditto
	Order of Reimbursement				
10	Case	Part 2	600872	ditto	ditto
	Panda is a bad father				
11	Case	Part 7	600877	ditto	ditto
12	Precedents	Part 3	600873	ditto	ditto
13	Sinha - Ray Case	Part 7	600877	ditto	ditto
14	Sinha - Sirohi Case	Part 5	600875	ditto	ditto
	The Larger Public				
15	Interest (Both Cases)	Part 4	600874	ditto	ditto
				06 Jan	
16	RTI Petitions	Part 9	600974	2024	ditto

**AFFIDAVIT**

I Anirban Chakraborty S/o Nk Gopal Chakraborty (Retired) aged about 36 years being an Indian citizen and in the capacity of being the offspring and the patient-party; do hereby solemnly affirm that the statements made in this written statement are true to my knowledge and information received and the rest are my humble submissions.

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(ANIRBAN CHAKRABORTY)

C% B



EoD



Written Statement for the C.I.C. hearing dated 15th Jan 2024. Part 1 of 4.

1 message

Anirban Chakraborty <[redacted]@gmail.com>  
To: kolkata@echhs.gov.in

Mon, Jan 8, 2024 at 16:10

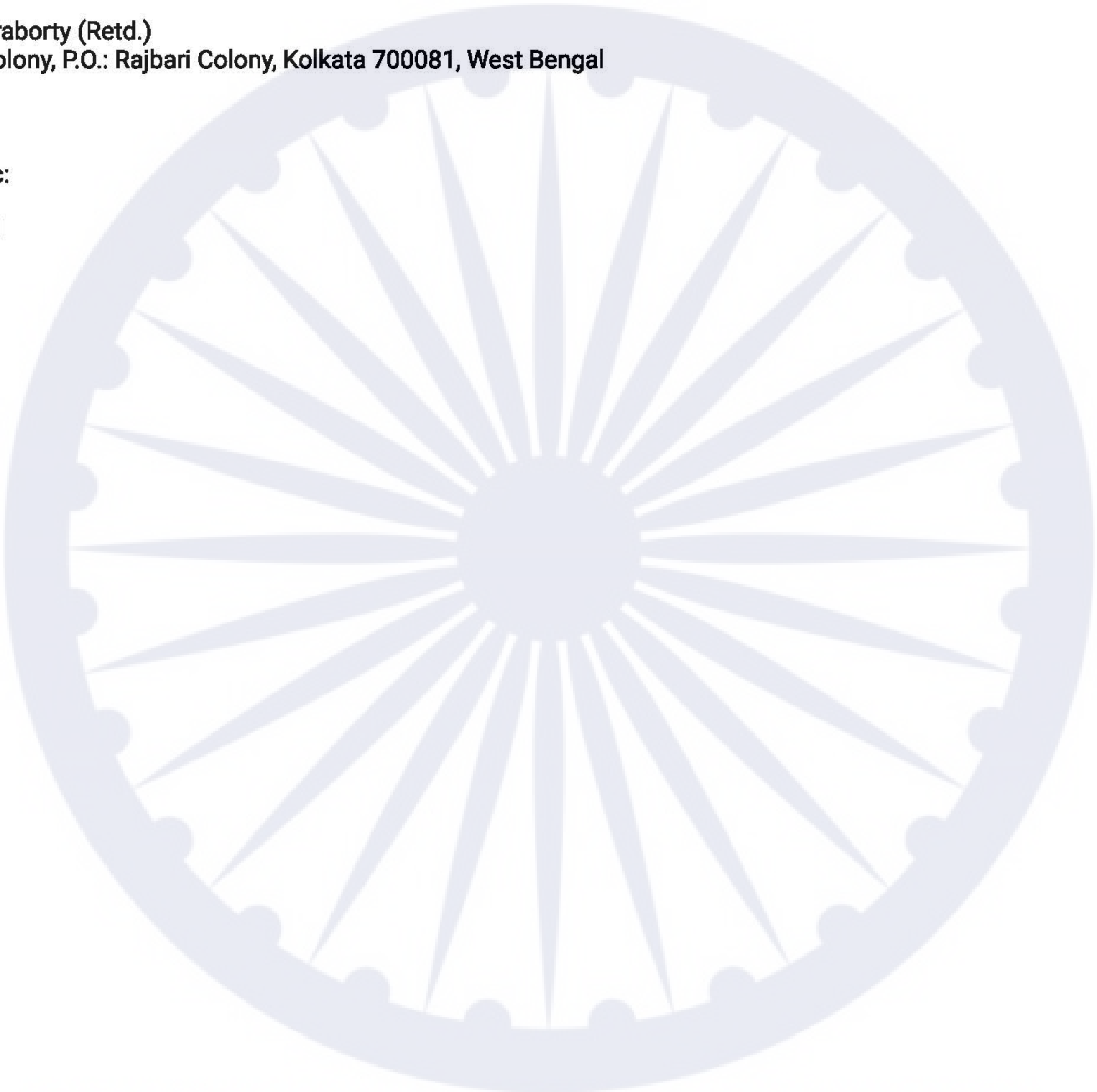
For the OIC Polyclinic Kolkata.

With regards,  
Anirban Chakraborty  
(Authorised representative and the patient party)

S/o  
Nk Gopal Chakraborty (Retd.)  
2 No. Motilal Colony, P.O.: Rajbari Colony, Kolkata 700081, West Bengal

Ph.

ECHS Polyclinic:  
RC: Kolkata  
[Quoted text hidden]



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No.1/6/2011-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated the 15<sup>th</sup> April, 2013

**OFFICE MEMORANDUM**

**Subject: Implementation of *suo motu* disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines regarding:**

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of *suo motu* disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the Section 4 of the RTI Act is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, Government of India constituted a Task Force on *suo motu* disclosure under the RTI Act, 2005 in May 2011 which included representatives of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for *suo motu* or proactive disclosure as given in Section 4 of the RTI Act, 2005. Based on the report of the Task Force, the Government have decided to issue guidelines for *suo motu* disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries/Departments are on:
- Suo motu* disclosure of more items under Section 4.
  - Guidelines for digital publication of proactive disclosure under Section 4.
  - Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
  - Compliance mechanism for *suo motu* disclosure (proactive disclosure) under the RTI Act, 2005.
5. The above guidelines are enclosed. However, it may be kept in mind that proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible and disclosures should be kept up to date. The disclosure of Information may be made keeping in mind the provisions of Section 8 to 11 of the RTI Act.
6. Central Government Ministries/ Departments should undertake *suo motu* disclosure and ensure compliance based on these guidelines.
7. The enclosed guidelines may be brought to the notice of all for compliance.

*Manoj Joshi*

(Manoj Joshi)  
Joint Secretary  
Tele : 23093668

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Copy to : Chief Secretaries of all the States/UTs.

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## Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

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## **Guidelines on *suo motu* disclosure under Section 4 of the RTI Act**

### **1.0 *Suo motu* disclosure of more items under Section 4**

Sub-section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub-section 4(1) to provide as much information *suo motu* to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items also under the *suo motu* disclosure provisions of Section 4:

#### **1.1 Information related to Procurement**

1.1.1 Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information disclosable as per Ministry of Finance, Department of Expenditure's O.M. No 10/1/2011-PPC dated 30<sup>th</sup> November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30<sup>th</sup> March, 2012 on Implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. **At present the limit is fixed at Rs. 10.00 lakhs.** In case of procurements made through **DGS&D Rate Contracts or through Kendriya Bhandar/ NCCF, only award details need to be published.** However information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

#### **1.2 Public Private Partnerships**

1.2.1 If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1)(j) of

the RTI Act would not be disclosed *suo motu*. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

### **1.3 Transfer Policy and Transfer Orders**

1.3.1 Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

### **1.4 RTI Applications**

1.4.1 All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

### **1.5 CAG & PAC paras**

1.5.1 Public Authorities may proactively disclose the CAG & PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issues of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

### **1.6 Citizens Charter**

1.6.1 Citizens Charter prepared by the Ministry/Department, as part of the Result Framework Document of the department/organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

## 1.7 Discretionary and Non-discretionary grants

1.7.1 All discretionary /non-discretionary grants/ allocations to state governments/ NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned. Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

## 1.8 Foreign Tours of PM/Ministers

1.8.1 A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

1.8.2 As per DoPT's OM No. 1/8/2012-IR dated 11/9/2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1<sup>st</sup> January, 2012. The disclosures may be updated once every quarter.

1.8.3. Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

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## **2.0 Guidelines for digital publication of proactive disclosure under Section 4**

2.1 Section 4 lays down that information should be provided through many mediums depending upon the level of the public authority and the recipient of information (for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through Internet. There is need for more clear guidelines for web-based publication of information for disclosure.

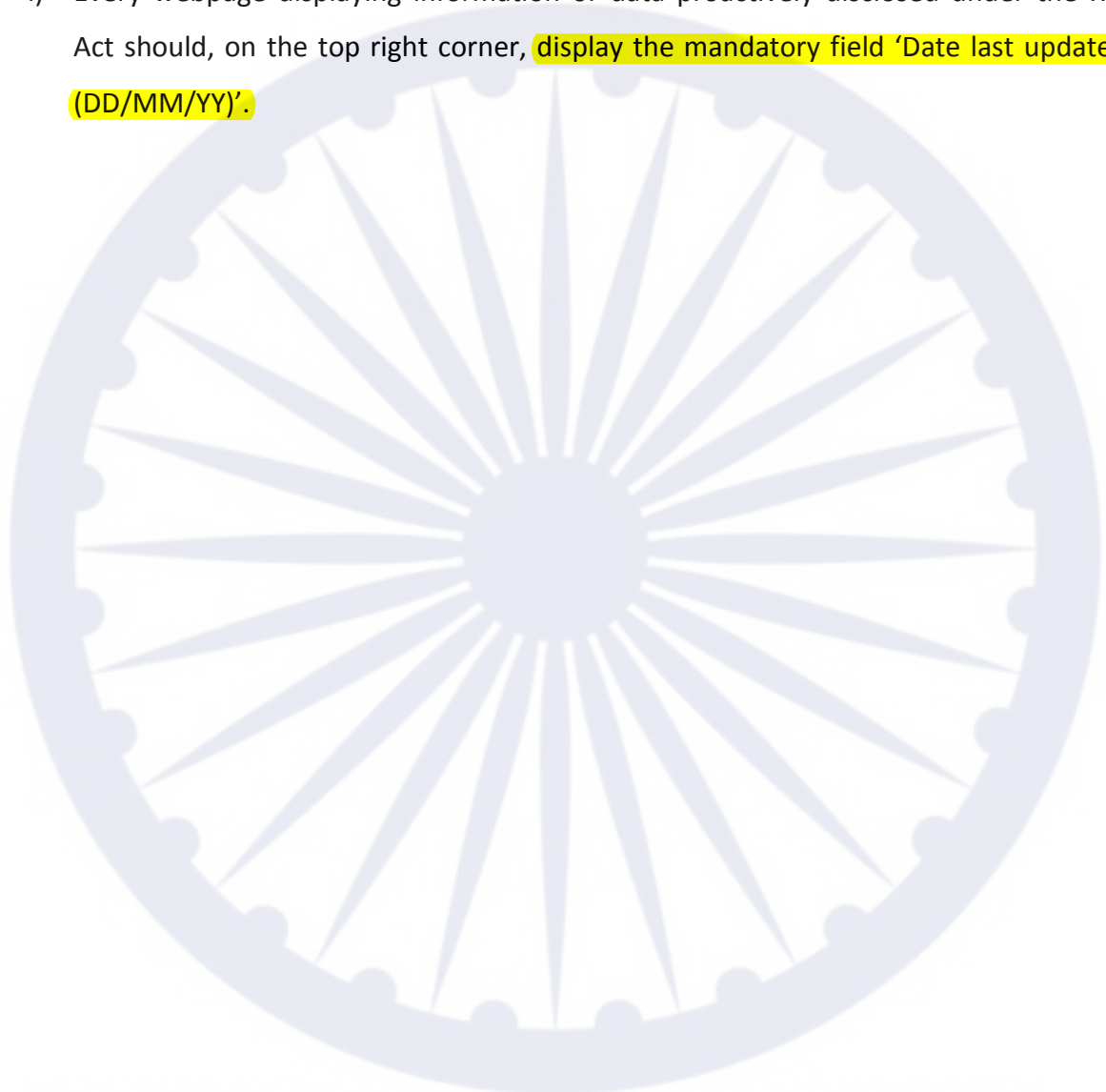
2.2 The Department of Information Technology has been working on setting of technical standards for government websites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed. While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

- a) It should be the endeavor of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
- b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/services provided by the Public Authorities to citizens.
- c) Orders of the public authority should be uploaded on the website immediately after they have been issued.
- d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.

- e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.
- f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- i) Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- [https://archive.org/details/@oligarchy\\_of\\_india](https://archive.org/details/@oligarchy_of_india)
- k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely

hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/videos recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- l) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.



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### **3.0 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective**

3.1 The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

3.2 Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:

#### **3.3 Guidelines for section 4(1)(b)(iii) - “the procedure followed in the decision-making processes, including channels of supervision and accountability”.**

3.3.1 All government departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. These descriptions constitute the elements of decision-making processes in general.

3.3.2 Additionally, in the routine work of governance, government functionaries are required to make decisions in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedures for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a public authority; are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

3.3.3 In view of the above, the guidelines for detailing the decision making processes are as follows:

- (a) Every public authority should specifically identify the major outputs/ tangible results/ services/ goods, as applicable, that it is responsible for providing to the public or to whosoever is the client of the public authority.
- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision-making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision-making has occurred in order to grant greater autonomy to public authorities, such procedures must also be clearly explained.
- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the public authority's mandate under the AOB read with the TOB.

- (e) In the event of a public authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

### **3.4 Guidelines for Section 4(1)(b)(iv) - “the norms set by it for the discharge of its functions”.**

3.4.1 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

3.4.2 Citizen Charters, which are mandatory, for each central Ministry/Department/Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

3.4.3 Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:

- a) Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).
- b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the public authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (online), wherever available, should be given.
- c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.

- d) Defining the quantitative and tangible parameters, (weight, size, frequency etc,) and timelines, that are applicable to the goods and services that are accessible to the public.
- e) Defining the qualitative and quantitative outcomes that each public authority/office plans to achieve through the goods and services that it was obligated to provide.
- f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

**3.5 Guidelines for Section 4(1)(b)(xi)- “the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”.**

**3.5.1 The public authorities while disclosing their budgets shall undertake the following:**

- (a) Keeping in view of the technical nature of the government budgets, it is essential that Ministries/Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables, etc.
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as a basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model.
- (c) Funds released to various autonomous organizations/ statutory organizations/ attached offices/ Public Sector Enterprises/ Societies/ NGOs/ Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the website of the Ministry/Department. If a subsidiary does not have a website then the budgets and expenditure reports of

such subsidiary authority may be uploaded on the website of the principal Public Authority.

- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

### **3.6 Guidelines for Section 4(1)(b)(xiv) – details in respect of information, available to or held by it, reduced in an electronic form.**

3.6.1 On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1)(a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

3.6.2 Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records /files /information that are exempted under Section 8. The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

#### **4.0 Compliance with Provisions of *suo motu* (proactive) disclosure under the RTI Act**

4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.

4.2 Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.

4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link, to the DoPT and Central Information Commission soon after the expiry of the initial period of 6 months.

4.4 Each Ministry/ Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

4.5 The Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries/ Public Authorities each year with regard to adequacy of items included as well as compliance of the Ministry/Public Authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

## 5.0 Nodal Officer

5.1 Each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.

## 6.0 Annual Reports to Parliament/Legislatures

6.1 Government has issued directions to all Ministries/Departments to include a chapter on RTI Act in their Annual Reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry/Department.

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